

Missouri Senate

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Day 9 - 1/17/96	Day 10 - 1/18/96	Day 11 - 1/22/96	Day 12 - 1/23/96
Day 13 - 1/24/96	Day 14 - 1/25/96	Day 15 - 1/29/96	Day 16 - 1/30/96
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Day 21 - 2/07/96	Day 22 - 2/08/96	Day 23 - 2/12/96	Day 24 - 2/13/96
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Day 33 - 2/28/96	Day 34 - 2/29/96	Day 35 - 3/04/96	Day 36 - 3/05/96
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Day 53 - 4/10/96	Day 54 - 4/11/96	Day 55 - 4/15/96	Day 56 - 4/16/96
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Day 65 - 5/01/96	Day 66 - 5/02/96	Day 67 - 5/06/96	Day 68 - 5/07/96
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JOURNAL OF THE SENATE

EIGHTY-EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF MISSOURI

SECOND REGULAR SESSION

FIRST DAY WEDNESDAY, JANUARY 3, 1996

The Senate was called to order at 12:00 noon by Lieutenant Governor Roger Wilson.

The Reverend G. Dale Norfolk, Chaplain of the Senate, offered the following prayer:

Our Father in Heaven, we begin a new year with hopes of leaving behind in the old year all of those things which are harmful and bringing with us to the New Year all of those things which are helpful. We pray for wisdom to know which is which and for strength of character to do what we know is best. Be with us that we might do well. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Banks announced that photographers from KOLR-Channel 10 and KMIZ-TV, had been given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Banks offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 710

BE IT RESOLVED, by the Senate of the Eighty-eighth General Assembly of Missouri, Second Regular Session, that the rules adopted by the Eighty-eighth General Assembly of the State of Missouri, First Regular Session, as amended, insofar as they are applicable, be adopted as the rules for the control of the deliberations of the Senate of the Eighty-eighth General Assembly, Second Regular Session.

MESSAGES FROM THE

SECRETARY OF STATE

The President laid before the Senate the following communication from the Secretary of State, which was read:

To the Honorable Senate of the Eighty-Eighth General Assembly, Second Regular Session, of the State of Missouri:

In compliance with Section 115.525, Revised Statutes of Missouri, 1986, I have the honor to lay before your honorable body herewith a list of the names of the members of the Senate of the Eighty-Eighth General Assembly (Second Regular Session) of the State of Missouri elected at the General Election held on the 8th day of November, A.D. 1994 in accordance with the returns of said election on file in my office; also a list of the names of the Senators elected in 1992 and holding over.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affix the official seal of my office this 3rd day of January, A.D. 1996.

/s/ Rebecca McDowell Cook

SECRETARY OF STATE

STATE SENATORS ELECTED NOVEMBER 3, 1992

District	Name
1st	Irene Treppler
3rd	John E. Scott
5th	J. B. (Jet) Banks
7th	Francis E. Flotron, Jr.
9th	Phil B. Curls
11th	Ronnie DePasco
13th	Wayne Goode
15th	Walt Mueller
17th	Edward E. Quick
19th	Joe Moseley
21st	James L. (Jim) Mathewson
23rd	Steve Ehlmann
25th	Jerry T. Howard
27th	Peter Kinder
29th	Emory Melton
31st	Harold L. Caskey
33rd	John T. Russell

STATE SENATORS ELECTED NOVEMBER 8, 1994

District	Name
2nd	Ted House
4th	Wm. (Lacy) Clay Jr.
6th	Larry Rohrbach
8th	Bill Kenney
10th	Harry Wiggins
12th	Sam Graves
14th	John D. Schneider
16th	Michael J. (Mike) Lybyer
18th	Joe Maxwell
20th	Danny Staples
22nd	William P. (Bill) McKenna
24th	Betty Sims
26th	David J. Klarich
28th	Morris Westfall
30th	Roseann Bentley
32nd	Marvin A. Singleton
34th	Sidney Johnson

On roll call the following Senators were present:

Present--Senators

Banks	Bentley	Caskey	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Melton Schneider--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Banks offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 711

BE IT RESOLVED by the Senate, that the Secretary of Senate inform the House of Representatives that the Senate of the Second Regular Session of the Eighty-eighth General Assembly is duly convened and is now in session and ready for consideration of business.

President Pro Tem Mathewson assumed the dais and addressed the body.

President Wilson resumed the Chair.

RESOLUTIONS

Senator Banks offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 712

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Mathewson offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 713

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 714

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the 88th General Assembly, Second Regular Session, that the Rules of the Senate be amended as follows:

"Rule 13. The president pro tem shall be chosen by the senate, however, no member who has been elected to the office for two full terms shall be eligible. [and i] If the president pro tem so chosen is absent, or his office vacant, the senate may proceed to elect an interim president pro tem to hold the office during such absence or other incapacity, at the pleasure of the senate.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

Pat Osban Adams, 204 South Ravine Street, Fulton, Callaway County, Missouri 65251, as a member of the Board of Certification of Interpreters, for a term ending June 27, 1997, and until his successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Sterling Adams, Democrat, 5003 Tyus Court, St. Louis City, Missouri 63115, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 1999, and until his successor is duly appointed and qualified; vice, Luther J. Bogan, Sr., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Kimalea Anderson, 203 West Love, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1997, and until her successor is duly appointed and qualified; vice, Peggy Roodhouse, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

Karen C. Baker, Democrat, 3341 Chatham Avenue, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State College Board of Regents, for a term ending October 28, 2001, and until her successor is duly appointed and qualified; vice, Gregory L. Wall, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 26, 1995, while the Senate was not in session.

Thomas B. Becker, Democrat, 816 Glead Terrace, Kansas City, Jackson County, Missouri 64109, as a member of the Missouri Housing Development Commission, for a term ending October 6, 1996, and until his successor is duly appointed and qualified; vice, Joyce Murray, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 26, 1995, while the Senate was not in session.

Richard L. Berkley, Republican, 1014 Greenway Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Jackson County Sports Complex Authority, for a term ending July 15, 2000, and until his successor is duly appointed and qualified; vice, Thomas C. Baker, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 11, 1995, while the Senate was not in session.

Ronald D. Boyer, Republican, 5654 E. State Highway AF, Fair Grove, Greene County, Missouri 65648, as a member of the Missouri State Milk Board, for a term ending September 28, 1998, and until his successor is duly appointed and qualified; vice, Harold Bengsch, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

Frances I. Brothers, 2901 Frederick, Apartment 19C, St. Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1996, and until her successor is duly appointed and qualified; vice, John Walker, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 15, 1995, while the Senate was not in session.

Dan W. Brown, DVM, Democrat, 13121 County Road 3000, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Veterinary Medical Board, for a term ending August 28, 1998, and until his successor is duly appointed and qualified; vice, Kay Jones Tung, DVM, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Cynthia R. Bryant, Democrat, 4901 Wornall Road #906, Kansas City, Jackson County, Missouri 64112, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until her successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 24, 1995, while the Senate was not in session.

Rice Pete Burns, Jr., Democrat, 210 Ridge Drive, Sikeston, Scott County, Missouri 63801, as a member of the State Board of Education, for a term ending July 1, 2000, and until his successor is duly appointed and qualified; vice, Rebecca McDowell Cook, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

James Butler, 12013 Branridge Road, Florissant, St. Louis County, Missouri 63033, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1995, while the Senate was not in session.

Susan W. Clowe, 2277 Sunley Lane, Chesterfield, St. Louis, St. Louis County, Missouri 63017, as a member of the Seismic Safety

Commission, for a term ending August 11, 1998, and until her successor is duly appointed and qualified; vice, Charlsie Floyd, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 5, 1995, while the Senate was not in session.

Harvey L. Cooper, 212 Ridge Drive, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending September 30, 1996, and until his successor is duly appointed and qualified; vice, Richard Aufdenberg, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Robert L. Coscia, MD, FACS, 5724 E. Farm Road, Springfield, Greene County, Missouri 65804, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Ida B. Cox, Democrat, 11905 Mellon Bridge Road, Platte City, Platte County, Missouri 64079, as a member of the State Fair Commission, for a term ending December 29, 1997, and until her successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Norwood A. Creason, Democrat, 104 West 6th Street, Braymer, Caldwell County, Missouri 64624, as a member of the State Fair Commission, for a term ending December 29, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

David Alan Day, Republican, 12850 Carter Lane, Dixon, Pulaski County, Missouri 65459, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 1996, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Kenny H. Degraffenreid, Democrat, 730 West Highway WW, Bolivar, Polk County, Missouri 65613, as a member of the Missouri State Milk Board, for a term ending September 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Shawn T. deLoyola, 1618 S. Country Club Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1996, and until his successor is duly appointed and qualified; vice, Cindy Schloss.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Thomas A. Dinkins, III, Republican, 12808 Pointe Drive, Sunset Hills, St. Louis County, Missouri 63127, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Jerry W. Divin, Democrat, 1359 E. 470th Road, Bolivar, Polk County, Missouri 65613, as a member of the State Fair Commission, for a term ending December 29, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on January 2, 1996, while the Senate was not in session.

Edward D. Douglas, Republican, 2109 Oaklawn Drive, Chillicothe, Livingston County, Missouri 64601, as a member of the State Highway and Transportation Commission, for a term ending December 1, 2001, and until his successor is duly appointed and qualified; vice, Thomas J. Barklage, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 3, 1995, while the Senate was not in session.

M. Dianne Postlewait-Drainer, Republican, Route 1, 5351 Hayes Road, Columbia, Boone County, Missouri 65201, as a member of the Public Service Commission, for a term ending April 15, 2001, and until her successor is duly appointed and qualified; vice, Patricia D. Perkins, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Barry J. Drucker, Republican, 19250 River Ridge Lane, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri State Milk Board, for a term ending September 28, 1997, and until his successor is duly appointed and qualified; vice, Dr. Alpha Bryan, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Richard C. Dunn, Route 1, St. James, Phelps County, Missouri 65559, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Mitzie A. Eddins, 310 E. 70th Street, Kansas City, Jackson County, Missouri 64113, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until her successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

Charles Edward Evans, Republican, 245 North State Street, Milan, Sullivan County, Missouri 63556, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 1999, and until his successor is duly appointed and qualified; vice, Richard D. Thomas, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 25, 1995, while the Senate was not in session.

Maria L. Evans, Democrat, 8641 Browns Station Drive, Columbia, Boone County, Missouri 65202, as a member of the Northeast Missouri State University Board of Governors, for a term ending September 25, 2001, and until her successor is duly appointed and qualified; vice, Gary Ball, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Larry G. Foster, Republican, 1530 Hunter's Circle, Sedalia, Pettis County, Missouri 65301, as a member of the State Fair Commission, for a term ending December 29, 1996, and until his successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 15, 1995, while the Senate was not in session.

Nicklyn B. Foster, Republican, #18 Harbor Heights, Osage Beach, Camden County, Missouri 65065, as a member of the Central Missouri State University Board of Regents, for a term ending January 1, 2001, and until her successor is duly appointed and qualified; vice, Garrett Crouch, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 26, 1995, while the Senate was not in session.

Linda Hickam-Fountain, Democrat, Route 1, Box 133, Thompson, Audrain County, Missouri 65285, as a member of the Missouri Veterinary Medical Board, for a term ending August 29, 1998, and until her successor is duly appointed and qualified; vice, Joe Lewis, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Barry K. Freedman, 8002 Walinca Drive, Clayton, St. Louis County, Missouri 63105, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Melodie A. Friedebach, 814 Cari Ann Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 6, 1998, and until her successor is duly appointed and qualified; vice, John

Heskett, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 14, 1995, while the Senate was not in session.

Christina J. Fritsch, Republican, 1151 West Highpoint, Columbia, Boone County, Missouri 65203, as a member of the State Board of Embalmers and Funeral Directors, for a term ending September 1, 1996, and until her successor is duly appointed and qualified; vice, Suzie Nichols, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 26, 1995, while the Senate was not in session.

Jean Galloway, 2406 Woodridge Court, St. Joseph, Buchanan County, Missouri 64501, as a member of the Board of Certification of Interpreters, for a term ending June 27, 1998, and until her successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Lawrence C. George, Democrat, 39 Johnson Street, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Richard C. Goldberg, 1551 Redcoat Drive, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Children's Trust Fund Board, for a term ending September 15, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Gerald P. Greiman, Democrat, 7042 Westmoreland Drive, University City, St. Louis County, Missouri 63130, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Richard H. Guth, Democrat, 16036 Clarkson Woods, Chesterfield, St. Louis County, Missouri 63017, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 18, 1995, while the Senate was not in session.

Gale Lee Hackman, Democrat, 2603 Huntleigh Place, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 1996, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 26, 1995, while the Senate was not in session.

Stephen H. Hamerdinger, 2204 Ryan's Road, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Certification of Interpreters, for a term ending June 27, 1997, and until his successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

H. Mitchell Hanna, Jr., 1920 Hidden Valley, Pleasant Hill, Cass County, Missouri 64080, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 29, 1995, while the Senate was not in session.

Jonathan G. Hanson, D.D.S., 807 Harvest Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Dental Board, for a term ending October 16, 1999, and until his successor is duly appointed and qualified; vice, James McGivney, D.M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 15, 1995, while the Senate was not in session.

Lynn A. Harmon, Democrat, 704 West Hale Lake Road, Warrensburg, Johnson County, Missouri 64093, as a member of the Central Missouri State University Board of Regents, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, Jerry Osborn, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Ruby C. Harriman, Democrat, 5221 Washington Place, St. Louis City, Missouri 63108, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 1997, and until her successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

Flora M. Henderson, 4712 Nelson, Normandy, St. Louis City, Missouri 63121, as a member of the State Board of Cosmetology, for a term ending July 1, 1998, and until her successor is duly appointed and qualified; vice, Flora M. Henderson, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

Jackie Lee (Baker) Herndon, Democrat, 1006 Westview Drive, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 25, 1995, while the Senate was not in session.

William Randal Herzog, Democrat, 600 S. Riverside Road, St. Joseph, Buchanan County, Missouri 64502-1089, as a member of the Conservation Commission, for a term ending July 1, 2001, and until his successor is duly appointed and qualified; vice, Jerry P. Combs, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Danny R. Hobbs, 4204 County Road 4300, West Plains, Howell County, Missouri 65775, as a member of the Missouri Child Abuse and Neglect Review Board, for a term ending December 29, 1997, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 3, 1995, while the Senate was not in session.

William Craig Hosmer, Democrat, 657 S. Weller, Springfield, Greene County, Missouri 65802, as a member of the Missouri Community Service Commission, for a term ending August 3, 1998, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

William D. Hunter, Democrat, RFD 1, Box 96, Versailles, Morgan County, Missouri 65084, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 1996, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 25, 1995, while the Senate was not in session.

Alphonso Jackson, 6815 Lakehurst, Dallas, Dallas County, Texas 75230, as a member of the Northeast Missouri State University Board of Governors, for a term ending September 25, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 7, 1995, while the Senate was not in session.

Doris J. Jones, 2842 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the State Council on Vocational Education, for a term ending July 7, 1998, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Danielle H. Kaye, Democrat, 13318 Locust Street, Kansas City, Jackson County, Missouri 65145, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 1997, and until her successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 11, 1995, while the Senate was not in session.

Catherine W. Keefe, 9 Berkshire, St. Louis, St. Louis County, Missouri 63117, as the public member for the State Board of Registration for the Healing Arts, for a term ending August 16, 1998, and until her successor is duly appointed and qualified; vice, Jean Mathews, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

Ben L. Kessler, Republican, 10687 Country View Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 18, 1995, while the Senate was not in session.

Mary Hass Kimberling, 1913 Cambridge, West Plains, Howell County, Missouri 65775, as a member of the Advisory commission for Professional Physical Therapists, for a term ending October 1, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

John W. Kimmons, Jr., Republican, 1637 Eastbrook Circle, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Rosalyn V. Kisart, #2 Butternut, O'Fallon, St. Louis County, Missouri 63366, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

John A. Klebba, Republican, 105 Klebba Drive, Linn, Osage County, Missouri 65051, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2001, and until his successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on January 2, 1996, while the Senate was not in session.

S. Lee Kling, Democrat, 5751 Robertsville Road, Villa Ridge, Franklin County, Missouri 63089, as a member of the State Highway and Transportation Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Carol L. Williamson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 14, 1995, while the Senate was not in session.

Sidney D. Koltun, 14441 White Pine Ridge Lane, Chesterfield, St. Louis County, Missouri 63017, as a member of the State Commission on Regulatory Barriers to Affordable Housing, for a term ending September 14, 1996, and until his successor is duly appointed and qualified; vice, RSMo 215.262.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Linda Antonia Kyser, 28815 S. Masterson Road, Cleveland, Cass County, Missouri 64734, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Theresa Clow (T.C.) Lademann, PhD, Democrat, 3419 St. Charles Village, Columbia, Boone County, Missouri 65201, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2001, and until her successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Brenda S. Lampton, Republican, 13520 S. 7 Highway, Greenwood, Jackson County, Missouri 64034, as a member of the State Fair Commission, for a term ending December 29, 1996, and until her successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 18, 1995, while the Senate was not in session.

Stuart M. Landrum, 701 Grand Canyon, Farmington, St. Francois County, Missouri 63640, as a member of the Video Instructional Development and Educational Opportunity Program, for a term ending June 30, 1997, and until his successor is duly appointed and qualified; vice, James E. Hamilton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Catherine E. Lauman, Democrat, 633 W. Adams, Kirkwood, St. Louis County, Missouri 63122, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until her successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Elizabeth M. "Betty" Linke, Republican, 114 Alden Street, Troy, Lincoln County, Missouri 63379-1608, as a member of the State Fair Commission, for a term ending December 29, 1998, and until her successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

Robert E. Loch, Jr., Republican, 1208 Parkdale Road, Maryville, Nodaway County, Missouri 64468, as a member of the Board of Regents for Northwest Missouri State University, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, Audra Kincheloe, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on

November 29, 1995, while the Senate was not in session.

Christopher J. Maglio, Ph.D., 508 N. Florence, Kirksville, Adair County, Missouri 63501, as a member of the Committee for Professional Counselors, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, Nancy B. White, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Michael S. Manier, Republican, 7800 Highway 63, Houston, Texas County, Missouri 65483, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1995, while the Senate was not in session.

Jennifer A. Marino, 936 South Fremont, Springfield, Greene County, Missouri 65804, as a member of the Seismic Safety Commission, for a term ending October 2, 1999, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Donald J. Mayhew, Republican, 7447 Sharp Avenue, St. Louis City, Missouri 63119, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 2, 1995, while the Senate was not in session.

Ruth A. McGowan, Democrat, 10700 Kingsbridge Estates Drive, Creve Couer, St. Louis County, Missouri 63141, as a member of the Board of Curators for Lincoln University, for a term ending January 1, 2000, and until her successor is duly appointed and qualified; vice, Dr. John W. Heyward, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Suzan Jean Mehalko, Republican, 1749 NE Lakeshore Drive, Lee's Summit, Jackson County, Missouri 64086, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until her successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 11, 1995, while the Senate was not in session.

Kenneth A. Michel, 2033 Schweitzer, Poplar Bluff, Butler County, Missouri 63901, as a member of the Drug Utilization Review Board, for a term ending October 15, 1995, and until his successor is duly appointed and qualified; vice, Harvey Haynes, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Lowell F. Mohler, Republican, 4054 Highway 179, Jefferson City, Cole County, Missouri 65109, as a member of the State Fair Commission, for a term ending December 29, 1998, and until his successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

Sandra M. Moore, 7244 St. Andrews Road, Glen Echo Park, St. Louis County, Missouri 63121, as a member of the Missouri Training and Employment Council, for a term ending June 27, 1999, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 19, 1995, while the Senate was not in session.

Lynn A. Morris, 5105 Colonial Circle, Nixa, Christian County, Missouri 65714, as a member of the Missouri State Council on Vocational Education, for a term ending April 1, 1997, and until his successor is duly appointed and qualified; vice, Palmer Nichols, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Susan M. Noaker, 1448 President's Landing Drive, O'Fallon, St. Charles County, Missouri 63366, as a member of the Children's Trust Fund Board, for a term ending September 15, 1998, and until her successor is duly appointed and qualified; vice, Jean Neal, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Barbara O'Toole, 2510 Grand Avenue, Kansas City, Jackson County, Missouri 64108, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Daniel C. Ottoline, Sr., Democrat, 4525 Gemini, St. Louis, St. Louis County, Missouri 63128, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Jerry W. Palmer, 5903 Spring Court, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Michael C. Perry, MD, FACP, 1112 Pheasant Run, Columbia, Boone County, Missouri 65201, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on January 2, 1996, while the Senate was not in session.

H. Mark Preyer, Democrat, 104 South Everett Street, Kennett, Dunklin County, Missouri 63857, as a member of the State Highway and Transportation Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, John L. Oliver, Jr., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

A. James Proffitt, Republican, 15 Bay Oaks Court, Lake St. Louis, St. Charles County, Missouri 63367, as a member of the Missouri Health Facilities Review Committee, for a term ending January 1, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Julie A. Relford, 812 South Bradford, Kirksville, Adair County, Missouri 63501, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 6, 1995, while the Senate was not in session.

Nancy J. Reynolds, Democrat, 606 Cheryl Ann Court, Wentzville, St. Charles County, Missouri 63385, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 1999, and until her successor is duly appointed and qualified; vice, Lee Henson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

William B. "Skip" Rich, II, Democrat, 1008 Fairmount Court, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 19, 1995, while the Senate was not in session.

Mary Lynn Richter, 407 Friendship, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending June 19, 1998, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 2, 1995, while the Senate was not in session.

Corwin S. Ruge, Jr., Republican, 300 S. Third Street, Box 428, Wright City, Warren County, Missouri 63390, as a member of the State Banking Board, for a term ending August 28, 2001, and until his successor is duly appointed and qualified; vice, William W. Eckelkamp, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Russell G. Schergen, Democrat, 17 Shaelah Drive, St. Charles, St. Charles County, Missouri 63304, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 15, 1995, while the Senate was not in session.

Roger D. Shaw, Jr., Republican, Thomasville Route Box 60B, Birch Tree, Shannon County, Missouri 65438, as a member of the Missouri Veterinary Medical Board, for a term ending August 16, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

Geneva F. Shearburn, MA, CSC., 1507 Lanvale Drive, Webster Groves, St. Louis County, Missouri 63119, as a member of the Board of Certification of Interpreters, for a term ending June 27, 1998, and until her successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 2, 1995, while the Senate was not in session.

John W. Siscel, III, Republican, 4804 Marchwood Drive, St. Louis, St. Louis County, Missouri 63128, as a member of Harris Stowe State College Board of Regents, for a term ending July 28, 2000, and until his successor is duly appointed and qualified; vice, John W. Siscel, III, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 29, 1995, while the Senate was not in session.

Larry D. Snider, O.D., 1700 Twin Oaks Drive, Harrisonville, Cass County, Missouri 64701, as a member of the State Board of Optometry, for a term ending June 30, 2000, and until his successor is duly appointed and qualified; vice, Lloyd T. Dixon, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

John G. Solomon, 111 Dover Street, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1997, and until his successor is duly appointed and qualified; vice, Bette Potter, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Joseph L. Stabler, Republican, 43 Sugar Leaf, St. Peters, St. Charles County, Missouri 63376, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 25, 1995, while the Senate was not in session.

Ronald J. Stites, Democrat, 3099 S.W. J Highway, Plattensburg, Clinton County, Missouri 64477, as a member of the Conservation Commission, for a term ending July 1, 2001, and until his successor is duly appointed and qualified; vice, William A. R. Dalton, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

Frank H. Strong, Jr., Democrat, 927 South Avnn, Maryville, Nodaway County, Missouri 64468, as a member of the Board of Regents for Northwest Missouri State University, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Dr. Kala M. Stroup, 2024 Stadium Boulevard, Jefferson City, Cole County, Missouri 65109, as a member of the Midwestern Higher Education Commission, for a term ending December 29, 1999, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Pamala R. Struessel, RN, BA, 401 Blair Court, Columbia, Boone County, Missouri 65201, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until her successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 26, 1995, while the Senate was not in session.

Barbara R. Stuckey, 8201 Harbour Place, Parkville, Platte County, Missouri 64152, as a member of the Missouri Real Estate Commission, for a term ending October 13, 2000, and until her successor is duly appointed and qualified; vice, Brenda L. Morrill, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

Ronald E. Stutzman, Democrat, Route 1 Box 248, Caruthersville, Pemiscot County, Missouri 63830, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees, for a term ending July 1, 1997, and until his successor is duly appointed and qualified;

vice, Brian Paulsen, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Dianne L. Tackett, 2407 Yorktown Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1998, and until her successor is duly appointed and qualified; vice, Kay Lorts, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Anthony R. Taylor, 2053 Rosedale Court, Arnold, Jefferson County, Missouri 63010, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

John E. Thorne, Republican, 4575 Braungate Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2001, and until his successor is duly appointed and qualified; vice, Senate Bill 101.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Neva G. Thurston, 5812 W. Brazito Road, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Planning Council for Developmental Disabilities, for a term ending June 30, 1996, and until her successor is duly appointed and qualified; vice, Norma Hasselman, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on October 20, 1995, while the Senate was not in session.

John L. Tirre, 4005 Emerald Drive, St. Charles, St. Charles County, Missouri 63304, as a member of the State Board of Cosmetology, for a term ending October 13, 1999, and until his successor is duly appointed and qualified; vice, Nancy King Klos, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 4, 1995, while the Senate was not in session.

Richard E. Tufts, Republican, 428 Terrington Drive, Ballwin, St. Louis County, Missouri 63021, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 1998, and until his successor is duly appointed and qualified; vice, Kenneth Baer, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 3, 1995, while the Senate was not in session.

Carla D. Turner, 320 Third Street, P.O. Box O, Osceola, St. Clair County, Missouri 64776, as a member of the Missouri Child Abuse and Neglect Review Board, for a term ending August 3, 1996, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 2, 1995, while the Senate was not in session.

James E. Tuscher, 1404 Drayton, St. Louis, St. Louis County, Missouri 63119, as Chairman of the Governor's Council on Disability, for a term ending October 1, 1997, and until his successor is duly appointed and qualified; vice, RSMo 286.200.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 3, 1995, while the Senate was not in session.

Mary L. Vernassie, 404 Cedar, Belton, Cass County, Missouri 64012, as a member of Missouri Real Estate Commission, for a term ending February 17, 2000, and until her successor is duly appointed and qualified; vice, John Ferguson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Mary R. Vieth, 7805 Cassia Court, St. Louis City, Missouri 63123, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until her successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 13, 1995, while the Senate was not in session.

Ronald J. Walkenbach, 919 Bourn Avenue, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2000, and until his successor is duly appointed and qualified; vice, House Bill 178.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

Valerie O. Walker, 803 Chateau Crest Court, Ferguson, St. Louis County, Missouri 63135, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until her successor is duly appointed and qualified; vice, RSMo 208.175.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 28, 1995, while the Senate was not in session.

Judith A. Weaver, Democrat, 4329 N.E. Walnut Ridge, Lee's Summit, Jackson County, Missouri 64064, as a member of the Health Facilities Review Committee, for a term ending January 1, 1996, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on July 24, 1995, while the Senate was not in session.

Gloria R. Weber, 4910 Valley Crest Drive, St. Louis, St. Louis County, Missouri 63128, as a member of the Governor's Advisory Council on Aging, for a term ending September 30, 1996, and until her successor is duly appointed and qualified; vice, Kathleen Lorey, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on November 2, 1995, while the Senate was not in session.

James S. Whitfield, 14067 Westernmill Drive, Chesterfield, St. Louis County, Missouri 63017- 2735, as a member of the Missouri Veterans Commission, for a term ending November 2, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on September 21, 1995, while the Senate was not in session.

H. Edward Wildberger, 2414 Dewey Street, St. Joseph, Andrew County, Missouri 64505, as a member of the Missouri Fire Safety Advisory Board, for a term ending at the pleasure of the Governor; vice, Ron P. Stewart, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 27, 1995, while the Senate was not in session.

F. Ula Williams, Route 1 Box 100, Turney, Clinton County, Missouri 64493, as a member of the Board of Certification of Interpreters, for a term ending June 27, 1996, and until her successor is duly appointed and qualified; vice, RSMo 209.287.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 2, 1995, while the Senate was not in session.

Nathan R. Williams, Jr., 114 Parkade Boulevard, Columbia, Boone County, Missouri 65202-1450, as a member of the Advisory Council on Emergency Medical Services, for a term ending January 5, 1996, and until his successor is duly appointed and qualified; vice, Robert Boller, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on December 29, 1995, while the Senate was not in session.

Daniel Williams, Jr., Republican, 7168 Cambridge Avenue, St. Louis, St. Louis County, Missouri 63130, as a member of the Lincoln University Board of Curators, for a term ending January 1, 2000, and until his successor is duly appointed and qualified; vice, Robert Culler, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 25, 1995, while the Senate was not in session.

Gloria Ann Wilson, 2220 Bradley Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 3, 1995, while the Senate was not in session.

Alice M. Windom, 4816 Hammett Place, St. Louis City, Missouri 63113, as a member of the Missouri Child Abuse and Neglect Review Board, for a term ending August 3, 1997, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on August 18, 1995, while the Senate was not in session.

Sharon K. Worrell, 2517 Rain Forest, Ballwin, St. Louis County, Missouri 63011, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until her successor is duly appointed and qualified; vice, David Rush, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made and commissioned by me on June 6, 1995, while the Senate was not in session.

Elizabeth C. Zahner, Democrat, 1000 W. 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until her successor is duly appointed and qualified; vice, RSMo 701.353.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted HR 1.

HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Eighty-Eighth General Assembly, Second Regular Session, inform the Senate that the House is duly convened and is now in session ready for consideration of business.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted HR 2.

HOUSE RESOLUTION NO. 2

BE IT RESOLVED, that a message be sent to the Governor of the State of Missouri to inform His Excellency that the House of Representatives and the Senate of the Eighty-Eighth General Assembly, Second Regular Session of the State of Missouri, are now regularly organized and ready for business, and to receive any message or communication that His Excellency may desire to submit, and the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

FIRST READING OF PRE-FILED SENATE BILLS

As provided in Chapter 21, RSMo 1986, Sections 21.600, 21.605, 21.610, 21.615 and 21.620, the following pre-filed Bills and/or Joint Resolutions were introduced and read for the first time:

SB 479--By Schneider.

An Act to repeal sections 537.600 and 537.610, RSMo 1994, relating to sovereign immunity, and to enact three new sections relating to the same subject.

SB 480--By Schneider.

An Act to repeal section 143.111, RSMo 1994, relating to state income tax, and to enact in lieu thereof two new sections relating to the same subject.

SB 481--By Schneider, Mueller, Flotron and Treppler.

An Act to amend chapter 88, RSMo 1994, relating to condemnation of property, by enacting one new section relating to the same subject.

SB 482--By Melton.

An Act to amend chapter 483, RSMo, relating to circuit clerks, by adding one new section relating to the same subject.

SB 483--By Melton and Russell.

An Act to repeal sections 290.210, 290.220, 290.250, 290.260, 290.262, 290.270, 290.320, and 290.325, RSMo 1994, relating to the prevailing wage, and to enact in lieu thereof eight new sections relating to the same subject.

SB 484--By Melton.

An Act to repeal section 206.090, RSMo 1994, relating to certain hospital districts, and to enact in lieu thereof one new section relating to the same subject.

SB 485--By Wiggins, Scott, Flotron and Kinder.

An Act to repeal section 143.111, RSMo 1994, relating to state income tax, and to enact in lieu thereof two new sections relating to the same subject.

SB 486--By Wiggins.

An Act to repeal sections 313.004, 313.005, 313.008, 313.015, 313.020, 313.035, 313.040, 313.052, 313.057, 313.070, 313.803, 313.805, 313.810, 313.812, 313.817, 313.820, 313.822, 313.827, 313.830, 313.835, 313.837, 313.840, 313.842, 313.847 and 434.030, RSMo 1994, relating to the gaming commission, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

SB 487--By Wiggins.

An Act to amend chapter 253, RSMo, relating to the acquisition of certain property for a state historic site.

SB 488--By Banks.

An Act to amend chapter 210, RSMo, by adding ten new sections relating to the care or supervision of children, with penalty provisions.

SB 489--By Banks.

An Act to repeal section 217.345, RSMo Supp. 1995, relating to youth offender programs, and to enact in lieu thereof one new section relating to the same subject.

SB 490--By Banks.

An Act to repeal section 478.387, RSMo 1994, relating to circuit judges, and to enact one new section relating to the same subject.

SB 491--By Scott.

An Act to repeal section 578.012, RSMo 1994, relating to animal abuse, and to enact in lieu thereof one new section relating to the same subject.

SB 492--By Scott.

An Act to repeal section 578.009, RSMo 1994, relating to animal neglect, and to enact in lieu thereof one new section relating to the same subject.

SB 493--By Scott.

An Act to repeal section 578.007, RSMo 1994, relating to animal neglect, and to enact in lieu thereof one new section relating to the same subject.

SB 494--By Caskey.

An Act to repeal sections 473.020, 473.033, 473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360, 473.657, 473.663, 473.840, 474.010, 474.250, 474.260, 474.290 and 474.333, RSMo 1994, relating to the administration of decedents' estates, and to enact seventeen new sections relating to the same subject.

SB 495--By Caskey.

An Act to repeal section 214.270, RSMo 1994, relating to cemeteries, and to enact in lieu thereof one new section relating to the same subject.

SB 496--By Caskey.

An Act to repeal section 169.590, RSMo 1994, relating to the public school retirement system, and to enact two new sections relating to the same subject.

SB 497--By Russell and Rohrbach.

An Act relating to planning and zoning in certain counties with a lake with one hundred ten miles of shoreline.

SB 498--By Russell.

An Act to repeal sections 167.031 and 167.051, RSMo 1994, relating to school attendance, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 499--By Russell.

An Act relating to special motor vehicle license plates for certain veterans.

SB 500--By Mathewson.

An Act to amend chapter 136, RSMo, by adding thereto two new sections relating to implementation of the refund required under article X, section 18 of the constitution of Missouri.

SB 501--By Mathewson.

An Act to repeal section 105.955, RSMo 1994, relating to the Missouri ethics commission, and to enact in lieu thereof one new section relating to the same subject.

SB 502--By Mathewson.

An Act to amend chapter 208, RSMo, by adding three new sections relating to public assistance programs, with a termination date.

SB 503--By Staples, McKenna, Scott, Bentley, Sims and Treppler.

An Act to repeal sections 304.009 and 304.010, RSMo Supp. 1995, relating to speed limits for motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 504--By Lybyer.

An Act to repeal section 313.835, RSMo 1994, relating to certain funds, and to enact in lieu thereof one new section relating to the same subject.

SB 505--By Lybyer.

An Act to repeal section 67.641, RSMo 1994, relating to convention and sports complex funding, and to enact in lieu thereof one new section relating to the same subject.

SB 506--By Lybyer.

An Act to repeal section 172.287, RSMo 1994, relating to equipment grants for engineering programs, and to enact in lieu thereof one new section relating to the same subject, with a termination date.

SB 507--By Goode and Schneider.

An Act to repeal sections 386.020, 386.320, 386.370, 392.180, 392.200, 392.210, 392.220, 392.230, 392.240, 392.370, 392.390, 392.400, 392.410, 392.450, 392.490, 392.500, 392.510 and 392.530, RSMo 1994, relating to the regulation of telecommunications companies, and to enact in lieu thereof twenty-five new sections, relating to the same subject.

SB 508--By Goode.

An Act relating to taxpayers' records.

SB 509--By Goode.

An Act to repeal sections 303.024, 303.025, 303.026, 303.043, 303.044, 303.070, 303.290 and 379.203, RSMo 1994, relating to motor vehicle responsibility, and to enact in lieu thereof eight new sections relating to the same subject.

SB 510--By Treppler.

An Act to repeal section 302.292, RSMo, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers for safety purposes, with penalty provisions and an effective date.

SB 511--By Treppler.

An Act to repeal section 43.540, RSMo 1994, and to enact in lieu thereof two new sections relating to health care employees, with penalty provisions.

SB 512--By Treppler.

An Act to amend chapter 376, RSMo, by adding one new section relating to certain health insurance benefits following the birth of a child.

SB 513--By Singleton and Westfall.

An Act to amend chapter 290, RSMo, by adding one new section relating to prevailing wages.

SB 514--By Singleton.

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of an accidental shooting, with penalty provisions.

SB 515--By Singleton.

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof five new sections relating to the same subject.

SB 516--By Howard.

An Act to repeal section 137.115, RSMo 1994 and section 138.395, RSMo Supp. 1995, relating to assessment of property, and to enact in lieu thereof two new sections relating to the same subject.

SB 517--By Howard.

An Act to repeal section 138.200, RSMo 1994, relating to qualifications for commissioners of the state tax commission, and to enact one new section relating to the same subject.

SB 518--By Howard.

An Act to repeal section 575.090, RSMo 1994, relating to false bomb reports, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SB 519--By Johnson.

An Act to repeal sections 303.024, 303.025, 303.026, 303.042, 303.043, 303.140 and 303.290, RSMo 1994, relating to motor vehicle safety and responsibility, and to enact in lieu thereof eight new sections relating to the same subject.

SB 520--By Johnson.

An Act to amend chapter 304, RSMo, by adding one new section relating to the operation of certain motor vehicles, with penalty provisions.

SB 521--By Johnson.

An Act to repeal sections 274.220 and 274.230, RSMo 1994, relating to cooperatives, and to enact two new sections relating to the same subject.

SB 522--By Rohrbach, Ehlmann and DePasco.

An Act to repeal section 302.272, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof one new section relating to the same subject.

SB 523--By Clay.

An Act to repeal sections 169.450 and 169.460, RSMo 1994, relating to certain retirement systems, and to enact in lieu thereof three new sections relating to the same subject.

SB 524--By Clay.

An Act to repeal sections 317.001, 317.006 and 317.011, RSMo 1994, relating to boxing and wrestling and to enact in lieu thereof three new sections relating to the same subject.

SB 525--By Moseley.

An Act to repeal sections 209.251, 209.253, 209.255, 209.257, 209.258 and 209.259, RSMo 1994, relating to certain telecommunication services for the disabled, and to enact in lieu thereof six new sections relating to the same subject.

SB 526--By Moseley.

An Act to amend chapter 436, RSMo, by adding four new sections relating to athletic agents, with penalty provisions.

SB 527--By Moseley.

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

SB 528--By Kinder.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to environmental protection.

SB 529--By Kinder.

An Act to amend chapter 490, RSMo, by enacting seven new sections relating to environmental audit privilege, with penalty provisions.

SB 530--By McKenna and Goode.

An Act to repeal section 190.145, RSMo 1994, relating to ambulance operators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 531--By McKenna, Scott, Banks, Wiggins, Moseley, Graves and Schneider.

An Act to repeal sections 447.543, 660.100, 660.105, 660.122 and 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1995, relating to the Missouri utilicare program, and to enact six new sections relating to the same subject, with an emergency clause.

SB 532--By McKenna.

An Act to repeal sections 190.327 and 190.329, RSMo Supp. 1995, relating to emergency services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 533--By House.

An Act to amend chapter 376, RSMo, by adding one new section relating to certain health insurance benefits following the birth of a child.

SB 534--By House.

An Act relating to labor.

SB 535--By House.

An Act to repeal section 575.090, RSMo 1994, relating to false bomb reports, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 536--By Maxwell and Johnson.

An Act to repeal section 416.615, RSMo Supp. 1995, relating to the sale of motor fuel, and to enact in lieu thereof two new sections relating to the same subject.

SB 537--By Maxwell.

An Act to amend chapter 41, RSMo, relating to military affairs, by adding thereto one new section relating to the search of persons upon military facilities.

SB 538--By Maxwell.

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact nine new sections relating to the same subject, with a contingent effective date.

SB 539--By Westfall, Moseley and Russell.

An Act to repeal sections 43.506, 82.1000, 302.060, 302.505, 302.510, 302.520, 302.541, 577.012, 577.037 and 577.039, RSMo 1994, and sections 302.171 and 302.302, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 540--By Westfall and Moseley.

An Act to repeal sections 199.010 and 199.250, RSMo 1994, relating to the Missouri rehabilitation center, and to enact in lieu thereof nine new sections relating to the same subject, with an emergency clause.

SB 541--By Westfall.

An Act to repeal sections 304.009 and 304.010, RSMo Supp. 1995, relating to traffic offenses, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 542--By Klarich, Sims, Ehlmann, House, Flotron, Kinder, Bentley, Goode and Kenney.

An Act to repeal section 151.150, RSMo 1994, relating to school taxes on certain railroad property, and to enact in lieu thereof one new section relating to the same subject.

SB 543--By Kenney.

An Act to repeal section 29.230, RSMo 1994, relating to audits of political subdivisions, and to enact in lieu thereof two new sections relating to the same subject.

SB 544--By Kenney.

An Act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.042, 303.043, 303.140, 303.290, 303.370, and 379.203, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject.

SB 545--By Bentley, Wiggins, Melton and Westfall.

An Act to repeal section 376.406, RSMo 1994, relating to improved access to immunization for children, and to enact in lieu thereof two new sections relating to the same subject.

SB 546--By Bentley.

An Act to repeal section 143.124, RSMo 1994, relating to state income taxes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 547--By Sims.

An Act to repeal sections 558.018 and 558.021, RSMo 1994, and section 566.607, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 548--By Sims.

An Act to repeal section 115.123, RSMo 1994, relating to public elections, and to enact one new section relating to the same subject.

SB 549--By Sims.

An Act to repeal section 82.210, RSMo 1994, relating to constitutional charter cities, and to enact in lieu thereof one new section relating to the same subject.

SB 550--By Schneider.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo 1994, and to enact in lieu

thereof twenty new sections to provide for bargaining in good faith, with penalty provisions and an effective date.

SB 551--By Wiggins.

An Act to repeal section 143.161, RSMo 1994, relating to state income tax, and to enact in lieu thereof one new section relating to the same subject.

SB 552--By Wiggins.

An Act relating to expungement of certain criminal records, with penalty provisions.

SB 553--By Wiggins.

An Act to amend chapter 454, RSMo, relating to enforcement of support law by adding thereto fifty-three new sections relating to uniform enforcement of support laws, with an effective date.

SB 554--By Banks.

An Act to amend chapter 174, RSMo, by adding seven new sections relating to the establishment of child development training centers at certain state institutions of higher education, with an effective date.

SB 555--By Banks.

An Act to amend chapter 208, RSMo, by adding thereto five new sections relating to the elders volunteer for elders project.

SB 556--By Caskey.

An Act to repeal sections 313.830 and 313.835, RSMo 1994, relating to licensed gaming activities, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 557--By Russell, Westfall and Rohrbach.

An Act to amend chapter 621, RSMo, relating to the administrative hearing commission by adding thereto one new section relating to the same subject.

SB 558--By Russell.

An Act to repeal section 49.267, RSMo 1994, relating to county government, and to enact in lieu thereof one new section relating to the same subject.

SB 559--By Russell.

An Act relating to certain public assistance benefits, with penalty provisions.

SB 560--By Goode.

An Act to repeal sections 304.001, 304.155, 304.157 and 304.575, RSMo 1994, relating to the towing of motor vehicles, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 561--By Goode.

An Act to amend chapter 640, RSMo, by adding two new sections relating to environmental protection, with penalty provisions.

SB 562--By Goode.

An Act to repeal section 160.261, RSMo Supp. 1995, relating to the discipline policy established by local boards of education, and to enact one new section relating to the same subject.

SB 563--By Treppler.

An Act to repeal section 151.150, RSMo 1994, relating to school taxes on certain railroad property, and to enact in lieu thereof one new section relating to the same subject.

SB 564--By Treppler.

An Act to repeal sections 160.453, 160.455 and 160.457, RSMo 1994, relating to earthquake emergency procedures, and to enact in lieu thereof three new sections relating to the same subject.

SB 565--By Treppler.

An Act to repeal sections 292.630 and 701.450, RSMo Supp. 1995, relating to certain public facilities, and to enact in lieu thereof two new sections relating to the same subject.

SB 566--By Singleton.

An Act to repeal section 313.004, RSMo 1994, relating to the use of highway patrol officers on excursion gambling boats, and to enact one new section relating to the same subject.

SB 567--By Singleton and Westfall.

An Act to repeal section 290.210, RSMo 1994, relating to prevailing wages, and to enact one new section relating to the same subject.

SB 568--By Singleton.

An Act to repeal section 197.310, RSMo 1994, relating to the Missouri Health Facilities Review Committee, and to enact in lieu thereof one new section relating to the same subject.

SB 569--By Howard.

An Act to repeal section 210.152, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof one new section relating to the same subject.

SB 570--By Howard.

An Act to repeal sections 193.265, 436.005, 436.007, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.053, 436.055, 436.061, 436.067, and 436.069, RSMo 1994, relating to preneed funeral contracts, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 571--By Howard.

An Act to repeal sections 301.020, 301.190, 301.217, 301.218, 301.227 and 301.573, RSMo 1994, and sections 301.010 and 301.570, RSMo Supp. 1995, relating to rebuilt motor vehicles and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

SB 572--By Moseley.

An Act to repeal sections 160.051 and 160.053, RSMo 1994, relating to public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 573--By Moseley and Clay.

An Act to amend chapter 195, RSMo, relating to controlled substances, by adding one new section relating to the same subject.

SB 574--By McKenna.

An Act to amend chapter 115, RSMo, relating to elections, by adding one new section relating to the same subject.

SB 575--By McKenna.

An Act to repeal section 197.318, RSMo 1994, relating to certificate of need, and to enact one new section relating to the same subject, with an emergency clause.

SB 576--By McKenna.

An Act to repeal sections 452.110, 452.150, 452.305, 452.310, 452.325, 452.330, 452.335, 452.342, 452.355, 452.370, 452.376, 452.377, 452.380, 452.385, 452.390, 452.395, 452.403, 452.405, 452.410, 452.411, 452.416, 452.423, 452.445, 452.450, 452.455, 452.465, 452.475, 452.480, 452.485, 452.490, 452.510, 452.530, 452.535 and 452.605, RSMo 1994, and sections 452.340, 452.375 and 452.400, RSMo Supp. 1995, relating to child custody proceedings, and to enact in lieu thereof thirty-seven new sections relating to the same subject.

SB 577--By House.

An Act to repeal section 210.110, RSMo 1994, relating to child abuse, and to enact in lieu thereof one new section relating to the same subject.

SB 578--By Maxwell.

An Act to repeal section 43.050, RSMo 1994, relating to the state highway patrol, and to enact in lieu thereof one new section relating to the same subject.

SB 579--By Maxwell.

An Act to repeal section 138.395, RSMo Supp. 1995, relating to assessment of property, and to enact in lieu thereof one new section relating to the same subject.

SB 580--Withdrawn.

SB 581--By Sims.

An Act to amend chapter 376, RSMo, by adding one new section relating to certain health insurance benefits following the birth of a child.

SB 582--By Sims.

An Act to repeal sections 209.150 and 304.080, RSMo 1994, relating to certain persons with disabilities, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 583--By Wiggins.

An Act to amend chapter 115, RSMo, relating to the conduct of elections, by adding thereto one new section relating to a pilot program to provide notice of election to registered voters by mail.

SB 584--By Wiggins.

An Act to repeal sections 194.210, 194.220, 194.230, 194.233, 194.250, 194.260, 194.270, 194.280, and 194.290, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 585--By Russell.

An Act to repeal section 143.124, RSMo 1994, relating to state income taxes, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

SB 586--By Russell.

An Act to repeal section 307.020, RSMo 1994, relating to motor vehicle traffic regulations, and to enact in lieu thereof one new section relating to the same subject.

SB 587--By Russell.

An Act relating to immunity from civil liability for certain persons.

SB 588--By Goode.

An Act to repeal section 590.115, RSMo Supp. 1995, relating to peace officer education and training, and to enact one new section relating to the same subject.

SB 589--By Goode.

An Act to repeal section 386.310, RSMo 1994, relating to public utility and natural gas safety, and to enact in lieu thereof one new section relating to the same subject.

SB 590--By Goode.

An Act to repeal section 386.570, RSMo 1994, relating to penalties for violation of public service commission orders, and to enact in lieu thereof one new section relating to the same subject.

SB 591--By Singleton.

An Act to repeal section 197.318, RSMo 1994, relating to certain medical treatment facilities, and to enact in lieu thereof one new section relating to the same subject.

SB 592--By Singleton.

An Act to repeal sections 115.229, 115.249, 115.387, 115.391, 115.393 and 115.397, RSMo 1994, and sections 115.225 and 115.395, RSMo Supp. 1995, relating to elections, and to enact in lieu thereof eight new sections relating to the same subject.

SB 593--By Singleton.

An Act to repeal section 571.030, RSMo Supp. 1995, relating to unlawful use of weapons, and to enact in lieu thereof one new section relating to the same subject.

SB 594--Withdrawn.

SB 595--By Howard.

An Act to repeal sections 479.190 and 559.021, RSMo 1994, relating to community services by probationers, and to enact in lieu thereof two new sections relating to the same subject.

SB 596--By Howard.

An Act to repeal section 479.020, RSMo 1994, relating to municipal judge retirement, and to enact in lieu thereof one new section relating to the same subject.

SB 597--By McKenna, Scott, Treppner, Klarich, Curls and Ehlmann.

An Act to amend chapter 376, RSMo, by adding eight new sections relating to the reorganization of mutual life insurance companies.

SB 598--By McKenna.

An Act to repeal sections 115.124 and 247.180, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof two new sections relating to the same subject.

SB 599--By McKenna.

An Act to amend chapter 570, RSMo, relating to stealing and related offenses, by enacting two new sections relating to the same subject, with penalty provisions.

SB 600--By Russell.

An Act relating to the public schools, with penalty provisions.

SB 601--By Singleton.

An Act to repeal sections 96.196, 205.160, 205.190 and 206.110, RSMo 1994, relating to municipal, county and hospital district health and welfare programs, and to enact four new sections relating to the same subject.

SB 602--By Howard.

An Act to amend chapter 195, RSMo, by adding thereto fifteen new sections relating to drug regulations.

SB 603--By Howard.

An Act to repeal section 610.010, RSMo 1994, relating to public meetings, and to enact in lieu thereof two new sections relating to the same subject.

SB 604--By Howard.

An Act to repeal section 337.505, RSMo 1994, relating to professional licensing, and to enact one new section relating to the same subject.

SB 605--By Caskey.

An Act to repeal section 177.086, RSMo 1994, relating to bidding for school construction, and to enact in lieu thereof one new section relating to the same subject.

SB 606--By Ehlmann.

An Act to repeal sections 160.514, 160.518, 160.538 and 162.081, RSMo 1994, relating to education and to enact in lieu thereof four new sections relating to the same subject.

SB 607--By Ehlmann.

An Act to repeal section 130.046, RSMo Supp. 1995, relating to campaign finance disclosure, and to enact in

lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 608--By Ehlmann.

An Act to amend chapter 644, RSMo, by adding thereto one new section relating to water quality certification.

SB 609--By Moseley.

An Act to amend chapter 174, RSMo, by enacting six new sections relating to the establishment of an optional retirement program for certain employees of the regional colleges and universities.

SB 610--By Kinder and Westfall.

An Act to amend chapter 523, RSMo, by adding thereto four new sections relating to private property rights.

SB 611--By Ehlmann.

An Act to repeal section 305.510, RSMo 1994, relating to the Missouri-St. Louis Metropolitan Airport Authority, and to enact in lieu thereof one new section relating to the same subject.

SB 612--By Ehlmann.

An Act to amend chapter 116, RSMo, by adding thereto one new section relating to ballot measures.

SB 613--By Ehlmann.

An Act to amend chapter 392, RSMo, by adding one new section relating to telecommunication services.

SB 614--By Ehlmann.

An Act to repeal section 49.600, RSMo 1994, and to enact in lieu thereof five new sections relating to flood plains, with penalty provisions.

SB 615--By Ehlmann.

An Act to repeal section 162.680, RSMo 1994, and sections 160.261, 167.161 and 167.171, RSMo Supp. 1995, relating to school safety and disciplinary measures, and to enact in lieu thereof twelve new sections, with penalty provisions.

SB 616--By Ehlmann.

An Act to repeal sections 226.500 and 226.540, RSMo 1994, relating to the regulation of outdoor advertising, and to enact in lieu thereof two new sections relating to the same subject.

SB 617--By Staples.

An Act to repeal sections 301.550, 301.559, 301.562, 301.564, 301.565, and 301.566, RSMo 1994, and sections 301.553, 301.560 and 301.570, RSMo Supp. 1995, relating to the motor vehicle commission, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SB 618--By Clay and Scott.

An Act to repeal section 362.915, RSMo 1994, relating to bank holding companies, and to enact in lieu thereof one new section relating to the same subject.

SB 619--By McKenna.

An Act to repeal section 493.050, RSMo 1994, relating to the publication of legal notices, and to enact in lieu thereof one new section relating to the same subject.

SB 620--By Curls.

An Act to repeal section 535.040, RSMo 1994, relating to landlord tenant relations and to enact in lieu thereof two new sections relating to the same subject.

SB 621--By Curls.

An Act to repeal section 99.845, RSMo 1994, relating to financing of low income housing, and to enact in lieu thereof one new section relating to the same subject.

SB 622--By Curls.

An Act to repeal section 141.750, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 623--By Rohrbach.

An Act to amend chapter 221, RSMo, by adding one new section relating to the operation of private jails for profit.

SB 624--By Curls.

An Act to amend chapter 215, RSMo, by adding two new sections relating to the Missouri housing development commission.

SB 625--By Curls.

An Act to amend chapter 30, RSMo, by adding thereto one new section relating to the deposit of state funds.

SB 626--By Curls.

An Act to amend chapter 67, RSMo, by adding one new section relating to powers of political subdivisions.

SB 627--By Curls.

An Act to amend chapter 441, RSMo, relating to landlord tenant relations by adding one new section relating to the same subject.

SB 628--By Curls.

An Act to repeal section 514.040, RSMo Supp. 1995, relating to court costs for paupers, and to enact in lieu thereof one new section relating to the same subject.

SB 629--By Caskey.

An Act to repeal sections 304.009 and 304.010, RSMo Supp. 1995, relating to the operation of motor vehicles and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions and an emergency clause.

SB 630--By Lybyer and Maxwell.

An Act to repeal sections 386.330 and 392.220, RSMo 1994, and section 386.250, RSMo Supp. 1995, relating to the regulation of certain telecommunication services provided by telephone cooperatives, and to enact in lieu

thereof three new sections relating to the same subject.

SB 631--By Schneider and McKenna.

An Act to amend chapter 386, RSMo, by adding one new section relating to heating energy programs for low income persons.

SB 632--By Staples.

An Act to repeal section 301.041, RSMo 1994, relating to commercial vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

SB 633--By Russell.

An Act to repeal section 193.165, RSMo 1994, relating to vital statistics, and to enact in lieu thereof one new section relating to the same subject.

SB 634--By Quick.

An Act to repeal sections 493.027 and 493.030, RSMo 1994, relating to legal publications in first class counties, and to enact in lieu thereof two new sections relating to the same subject.

SB 635--By Rohrbach and Wiggins.

An Act to repeal section 306.016, RSMo Supp. 1995, relating to watercraft, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

SB 636--By Westfall.

An Act to repeal section 36.030, RSMo 1994, relating to the state personnel law, and to enact in lieu thereof one new section relating to the same subject.

SB 637--By House.

An Act to repeal section 303.190, RSMo 1994, relating to motor vehicle liability policies, and to enact in lieu thereof one new section relating to the same subject.

SB 638--By Klarich.

An Act to amend chapter 429, RSMo 1994, relating to statutory liens on real estate, by adding two new sections relating to the same subject.

SB 639--By Kenney.

An Act to repeal section 143.161, RSMo 1994, relating to state income tax, and to enact in lieu thereof one new section relating to the same subject.

SB 640--By Scott.

An Act to repeal section 144.805, RSMo 1994, relating to sales and use tax, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

SB 641--By Scott, Mueller and McKenna.

An Act relating to health insurance.

SB 642--By Rohrbach.

An Act to amend chapter 577, RSMo, by adding one new section relating to safety on bridges, with penalty provisions.

SB 643--By DePasco, Curls, House, Lybyer, Mathewson, Moseley, Staples, Schneider, Maxwell, Wiggins, McKenna, Banks, Howard, Johnson, Treppler, Scott, Quick, Goode and Caskey.

An Act to create chapter 617, RSMo, relating to the creation of a department of aging, by enacting four new sections, with a contingent effective date.

SB 644--By DePasco.

An Act to repeal section 362.107, RSMo 1994, relating to certain financial transactions, and to enact in lieu thereof two new sections relating to the same subject.

SB 645--By DePasco.

An Act to repeal sections 339.503, 339.505, 339.507, 339.511, 339.515, 339.517, 339.519, 339.523, 339.525, 339.529, 339.532 and 339.545, RSMo 1994, relating to real estate appraisers and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

SB 646--By DePasco.

An Act to repeal sections 441.020, 441.040, 441.060, 441.130, 441.140, 534.030, 534.090, 534.330, 534.380, 535.060, 535.070, 535.080, 535.090, 535.120, 535.130, 535.140, 535.150, 535.160, and 535.170, RSMo 1994, relating to landlord and tenant relations, and to enact in lieu thereof twenty-three new sections relating to the same subject.

SB 647--By DePasco.

An Act to repeal sections 301.160, 301.290 and 301.300, RSMo 1994, section 301.032, RSMo Supp. 1995, section 301.130, as truly agreed to and finally passed in house committee substitute for senate substitute for senate bill no. 3 and as truly agreed to and finally passed in senate bill no. 156, as that section appears in RSMo Supp. 1995, and section 301.130 as truly agreed to and finally passed in conference committee substitute for house substitute for house committee substitute for senate substitute for senate bill no. 70, as that section appears in RSMo Supp. 1995, relating to motor vehicle license plates, and to enact five new sections in lieu thereof relating to the same subject, with an effective date.

SB 648--By DePasco.

An Act to repeal section 313.835, RSMo 1994, relating to the veterans' home capital improvement trust fund, and to enact in lieu thereof one new section relating to the same subject.

SB 649--By DePasco.

An Act to repeal section 375.246, RSMo 1994, relating to credit for reinsurance, and to enact in lieu thereof one new section relating to the same subject.

SB 650--By DePasco.

An Act to amend chapter 167, RSMo, by adding one new section relating to local school attendance.

SB 651--By DePasco.

An Act to repeal sections 320.106, 320.116, 320.121, 320.126, 320.131, 320.141 and 320.151, RSMo 1994, and

section 320.111, RSMo Supp. 1995, relating to the regulation of fireworks and to enact in lieu thereof nine new sections relating to the same subject.

SB 652--By DePasco.

An Act to repeal sections 115.115, 115.283, 115.607, 115.609, 115.611 and 115.619, RSMo 1994, and section 115.277, RSMo Supp. 1995, relating to elections and to enact in lieu thereof eight new sections relating to the same subject.

SB 653--By DePasco.

An Act to repeal section 130.016, RSMo 1994, and sections 130.041 and 130.046, RSMo Supp. 1995, relating to campaign finance disclosure, and to enact in lieu thereof three new sections relating to the same subject.

SB 654--By Quick.

An Act to repeal section 313.820, RSMo 1994, relating to admission fees on excursion gambling boats, and to enact one new section relating to the same subject.

SB 655--By Kinder.

An Act to amend chapter 11, RSMo 1994, by adding one new section relating to a common language.

SB 656--By Westfall.

An Act to repeal section 429.014, RSMo 1994, relating to mechanics' liens, and to enact in lieu thereof one new section relating to the same subject.

SB 657--By Westfall and Russell.

An Act to repeal section 570.010, RSMo 1994, relating to livestock theft, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 658--By Kenney and Graves.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to authorized work programs for inmates.

SB 659--By Bentley.

An Act to amend chapter 190, RSMo, by adding one new section relating to the provisions of emergency response services.

SB 660--By Schneider, Bentley, DePasco, McKenna and Maxwell.

An Act to repeal sections 115.157 and 115.158, RSMo 1994, relating to elections, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 661--By Howard.

An Act to amend chapter 252, RSMo 1994, by adding one new section providing for the authority of a conservation investigative assistant.

SB 662--By Howard.

An Act to repeal section 260.831, RSMo 1994, relating to removing the termination date on landfill fees in

certain counties, and to enact in lieu thereof one new section relating to the same subject.

SB 663--By Maxwell.

An Act to repeal section 427.021, RSMo 1994, relating to creditor protection, and to enact in lieu thereof one new section relating to the same subject.

SB 664--By Klarich.

An Act to repeal sections 442.605, 442.610 and 442.615, RSMo 1994, relating to real estate settlement agents, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 665--By Caskey.

An Act to repeal section 249.763, RSMo 1994, relating to sewer districts and to enact in lieu thereof two new sections relating to the same subject.

SB 666--By Howard.

An Act to repeal section 337.030, RSMo 1994, and section 337.050, RSMo Supp. 1995, relating to psychologists, and to enact in lieu thereof two new sections relating to the same subject.

SB 667--By Kinder.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to higher education instructional quality.

SB 668--By Melton.

An Act to repeal section 302.225, RSMo 1994, relating to certain traffic violations, and to enact in lieu thereof one new section relating to the same subject.

SB 669--By Goode.

An Act to repeal sections 643.310, 643.315, 643.320, 643.335 and 643.355, RSMo 1994, relating to motor vehicle emissions inspections, and to enact five new sections relating to the same subject, with penalty provisions.

SB 670--By Melton.

An Act to amend chapter 28, RSMo, by adding thereto one new section relating to the creation of the state document preservation fund.

SB 671--By Mathewson.

An Act to repeal section 246.070, RSMo 1994, relating to flood relief, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 672--By Curls.

An Act to repeal section 141.550, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 673--By Curls.

An Act to repeal section 208.169, RSMo Supp. 1995, relating to reimbursement of nursing care services, and to enact in lieu thereof one new section relating to the same subject.

SB 674--By Curls.

An Act to amend chapter 376, RSMo, by adding one new section relating to health insurance for children.

SB 675--By Kinder.

An Act to repeal section 571.030, RSMo Supp. 1995, relating to weapons offenses, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 676--By Quick.

An Act to repeal sections 96.196, 205.160, 205.190 and 206.110, RSMo 1994, relating to the powers of governmental hospitals to offer, and to enact four new sections relating to the same subject.

SB 677--By Caskey.

An Act to repeal section 304.200, RSMo Supp. 1995, relating to special permits for oversize loads, and to enact in lieu thereof one new section relating to the same subject.

SB 678--By Caskey.

An Act to repeal section 169.070, RSMo Supp. 1995, relating to the public school retirement system, and to enact in lieu thereof one new section relating to the same subject.

SJR 28--By Staples.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 8 and 11 of article III of the constitution of Missouri relating to term limits, and adopting seven new sections in lieu thereof relating to the same subject.

SJR 29--By Maxwell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to joint municipal utility commission revenue bonds, and adopting one new section in lieu thereof relating to the same subject.

SJR 30--By Rohrbach.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article III of the Constitution of Missouri relating to powers of the general assembly.

SJR 31--By Mueller and Mathewson.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article V of the Constitution of Missouri, relating to the practice of law, and adopting one new section in lieu thereof relating to the same subject.

SJR 32--By DePasco, Curls, House, Lybyer, Mathewson, Moseley, Schneider, Maxwell, Wiggins, McKenna, Banks, Howard, Johnson, Staples, Treppler, Scott, Quick, Goode and Caskey.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri relating to the executive department, and adopting two new sections in lieu thereof relating to the same subject.

FIRST READING OF SENATE BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 679--By Staples and Kinder.

An Act to repeal sections 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1995, relating to certain weapons offenses, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 680--By Wiggins.

An Act to amend chapter 167, RSMo, by adding one new section relating to health programs for school age children.

SB 681--By Wiggins.

An Act to repeal sections 400.1-105, 400.1-206, 400.2-512, 400.4-104, 400.5-102, 400.5-103, 400.5-104, 400.5-105, 400.5-106, 400.5-107, 400.5-108, 400.5-109, 400.5-110, 400.5-111, 400.5-112, 400.5-113, 400.5-114, 400.5-115, 400.5-116, 400.5-117, 400.8-102, 400.8-103, 400.8-104, 400.8-105, 400.8-106, 400.8-107, 400.8-108, 400.8-109, 400.8-201, 400.8-202, 400.8-203, 400.8-204, 400.8-205, 400.8-206, 400.8-207, 400.8-208, 400.8-301, 400.8-302, 400.8-303, 400.8-304, 400.8-305, 400.8-306, 400.8-307, 400.8-308, 400.8-309, 400.8-310, 400.8-311, 400.8-312, 400.8-313, 400.8-314, 400.8-315, 400.8-316, 400.8-317, 400.8-318, 400.8-319, 400.8-320, 400.8-321, 400.8-401, 400.8-402, 400.8-403, 400.8-404, 400.8-405, 400.8-406, 400.8-407, 400.8-408, 400.9-103, 400.9-104, 400.9-105, 400.9-106, 400.9-203, 400.9-301, 400.9-302, 400.9-303, 400.9-304, 400.9-305, 400.9-309 and 400.9-312, RSMo 1994, and section 400.9-306, RSMo Supp. 1995, relating to the uniform commercial code, and to enact in lieu thereof eighty-five new sections relating to the same subject.

SB 682--By Rohrbach, Kenney and Ehlmann.

An Act to repeal sections 105.470 and 105.485, RSMo 1994, relating to the regulation of lobbying, and to enact two new sections relating to the same subject.

SB 683--By Mueller and Mathewson.

An Act to repeal section 408.140, RSMo 1994, relating to financial institutions, and to enact in lieu thereof one new section relating to the same subject.

SB 684--By Kinder.

An Act to amend chapter 290, RSMo, by adding one new section relating to employer immunity.

SB 685--By Caskey.

An Act to amend chapter 104, RSMo, relating to retirement, by adding one new section relating to the same subject.

SB 686--By Lybyer.

An Act to repeal section 79.240, RSMo 1994, relating to the removal of officers in fourth class cities, and to enact one new section relating to the same subject.

SB 687--By Goode, Lybyer, Klarich, Moseley, Sims, Treppler and Mueller.

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact nine new sections relating to the same subject, with an emergency clause.

SB 688--By Goode.

An Act to repeal sections 193.265, 436.005, 436.007, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.053, 436.055, 436.061, 436.067, and 436.069, RSMo 1994, and to enact in lieu thereof fifteen new sections relating to the same subject for the purpose of changing the law regulating preneed funeral contracts, with penalty provisions.

RESOLUTIONS

Senator House offered Senate Resolution No. 715, regarding the One Hundred Second Birthday of Minnie C. Hoeferlin, St. Charles, which was adopted.

Senator Wiggins offered Senate Resolution No. 716, regarding the death of Candace J. Dooley, Raytown, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Banks introduced to the Senate, Ms. Darlene Green, Comptroller of St. Louis City.

Senator Wiggins introduced to the Senate, Vernon J. Debo, Lee's Summit; and Tom Rash, Liberty.

On behalf of Senator Rohrbach and himself, Senator Mathewson introduced to the Senate, Rhonda Meyer, and her daughter, Caitlin Sue, California; and Caitlin was made an honorary page.

On behalf of Senator Mueller and herself, Senator Treppler introduced to the Senate, her husband, Walter, St. Louis; and Senator Mueller's wife, Diana, St. Louis.

On behalf of Senator Russell and himself, Senator Rohrbach introduced to the Senate, Kevin Kleine, Lake Sun Leader.

On behalf of Senator Caskey and himself, Senator Banks introduced to the Senate, his wife, Anita, St. Louis; and Senator Caskey's wife, Kay, Butler.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, January 4, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY--THURSDAY, JANUARY 4, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, with our young men and women in Bosnia and our national leaders unable to agree, we are thankful for this body at which the Pro Tem ends his annual message with a prayer and where there seems to be a genuine concern for all people. We pray that what is asked in prayer and what seems to be will actually be during this session. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Melton Staples--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered the following resolution:

SENATE RESOLUTION NO. 717

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year; and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect; and

WHEREAS, the rates of pay established shall become effective in January of the following year.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director, two deputy department directors, and seven division level directors to be compensated according to Office of Administration guidelines for compensation of division directors; and the following authorized employees at rates of pay within the ranges hereby established:

MONTHLY	CLASSIFICATION	SALARY RANGE
5	Staff Attorney II	2,446 - 3,271
1	Research Analyst I	2,169 - 2,882
2	Research Analyst II	2,446 - 3,271
1	Research Analyst III	3,138 - 4,243
1	Investigator	2,256 - 3,006
5	Research Staff Secretary	1,789 - 2,350
5	Budget Research Analyst II	2,446 - 3,271
3	Assistant Secretary of Senate	1,200 - 2,765
6.5	Enrolling & Engrossing Clerk	1,722 - 2,256
0.5	Billroom Supervisor	1,722 - 2,256
2	Billroom Clerk	850 - 1,561
3	Public Information Specialist I	1,722 - 2,256
1	Public Information Specialist II	1,855 - 2,446
1	Public Information Specialist IV	2,256 - 3,006
3	Administrative Assistant	1,200 - 4,635
1	Executive Assistant	1,530 - 4,523
1	Telecommunications Coordinator	1,500 - 2,882
3	Accountant	1,265 - 2,256
7	Administrative Secretary	1,310 - 3,006
8	Clerical Assistant	1,200 - 2,446
1	Messenger	950 - 1,748
1	Data Control Coordinator	1,929 - 2,548
3	Programmer III	2,350 - 3,138
1	Systems Programmer II	2,548 - 3,413
3	Computer Operator III	1,929 - 2,548
5	Data Entry Operator III	1,397 - 1,817
1	Graphics Supervisor	1,789 - 2,350
1	Composing Equipment Operator I	1,100 - 1,817
3	Composing Equipment Operator III	1,200 - 2,169
1	Mailroom Supervisor	1,789 - 2,350
2	Duplicating Equipment Operator I	1,302 - 1,681
2	Duplicating Equipment Operator II	1,448 - 1,887
1	Duplicating Equipment Operator III	1,601 - 2,085
2	Duplicating Equipment Operator IV	1,789 - 2,350

1	Photographer	1,200 - 2,657
0.25	Physical Plant Supervisor	1,830 - 3,579
1	Maintenance Supervisor II	1,789 - 2,350
1	Carpenter II	1,661 - 2,169
6.5	Custodian II	950 - 1,561
2	Custodian III	1,000 - 1,681
1	Sergeant-at-Arms (elected)	1,200 - 2,765
0.5	Doorkeeper (elected)	900 - 1,969
3	Assistant Doorkeeper	600 - 1,321
0.5	Reading Clerk	750 - 1,448
0.5	Chaplain (elected)	475 - 800
104.25	TOTAL	

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator for the employment of Administrative and Clerical Assistants. Each Senator will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' administrative and clerical assistants shall be within the limits of the categories set forth hereinabove.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall have the authority to cooperate and coordinate with the House Administrator in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 1997.

Senator Caskey offered Senate Resolution No. 718, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ron Phillips, Butler, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, The Kansas City historic Liberty Memorial is the only monument in the United States to the more than 112,000 brave Americans who gave their lives defending freedom during World War I;

WHEREAS, The Liberty Memorial is in danger of disintegrating and is closed to the public for reasons of safety;

WHEREAS, The Liberty Memorial is 68 years of age;

WHEREAS, The Liberty Memorial towers 217 feet above ground level, looking down on the Kansas City, Missouri Station;

WHEREAS, The physical condition of The Liberty Memorial is worsening with water seepage throughout the surface limestone and aggregate, deteriorated by cycles of freezing and thawing, has collected in the concrete support piers and rusted out the essential metal rods within those piers. The piers range in height from 12 feet on the south side to 40 feet on the north;

WHEREAS, Engineering estimates put the restoration cost at a considerable amount;

WHEREAS, The preservation of the Classic Monument, The Liberty Memorial, represents a major step in the march of freedom;

WHEREAS, President Calvin Coolidge dedicated the Liberty Memorial in 1926;

WHEREAS, U.S. General of the Armies, John J. Pershing born in Laclede, Missouri, said at the 1926 dedication, "This memorial symbolized the obligation that rests upon present and future generations to preserve that for which those men and women offered their all,"; and

WHEREAS, the 1995 National Convention of the American legion, held in Indianapolis, Indiana, September 4-5-6, approved Resolution #91 (MO), which called for restoration of The Liberty Memorial:

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the United States Congress is authorized and requested to appropriate the money necessary to restore The Liberty Memorial, the only National Memorial to our World War I veterans; and

BE IT FURTHER RESOLVED that the Secretary of the Senate is instructed to prepare properly inscribed copies of this resolution to be sent to the Missouri Congressional Delegation in Washington, D. C. and to The American Legion.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 689--By Johnson and Russell.

An Act to repeal section 49.267, RSMo 1994, and section 67.400, RSMo Supp. 1995, relating to county government, and to enact in lieu thereof two new sections relating to the same subject.

SB 690--By Johnson.

An Act to amend chapter 261, RSMo, relating to the department of agriculture, by adding one new section relating to the same subject.

SB 691--By Johnson.

An Act to repeal section 390.126, RSMo 1994, and to enact one new section in lieu thereof relating to local licensing of motor carriers at airports.

SB 692--By Moseley.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to witness immunity, with penalty provisions.

SB 693--By Moseley.

An Act to repeal section 58.095, RSMo 1994, relating to county coroners, and to enact one new section relating to the same subject.

SB 694--By Moseley.

An Act to amend chapter 172, RSMo, by adding three new sections relating to police officers of the state university.

SB 695--By Moseley.

An Act to amend chapter 315, RSMo, by adding six new sections relating to the rights and obligations of innkeepers and guests.

SB 696--By Sims.

An Act to repeal sections 354.430 and 354.440, RSMo 1994, relating to managed care plans, and to enact in lieu thereof two new sections relating to the same subject.

SB 697--By Bentley.

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact one new section relating to the same subject, with an effective date.

SB 698--By Bentley.

An Act to amend chapter 42, RSMo, by adding one new section relating to the establishment of a state-owned veterans' cemetery.

SB 699--By DePasco.

An Act to amend chapter 650, RSMo, by adding fourteen new sections relating to the regulation of security alarm systems, with penalty provisions.

SB 700--By DePasco.

An Act to repeal sections 558.011, 558.021 and 566.625, RSMo 1994, and section 566.610, RSMo Supp. 1995, relating to crime, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

SB 701--By DePasco.

An Act to repeal section 260.205, RSMo Supp. 1995, relating to environmental control, and to enact in lieu thereof one new section relating to the same subject.

SB 702--By Lybyer.

An Act to repeal sections 21.530, 21.535 and 21.537, RSMo 1994, relating to the joint committee on capital improvements oversight, and to enact in lieu thereof three new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the second time and referred to the Committees indicated:

SB 479--Judiciary.

SB 480--Education.

SB 481--Agriculture and Local Government.

SB 482--Civil and Criminal Jurisprudence.

SB 483--Labor and Industrial Relations.

SB 484--Elections, Pensions and Veterans' Affairs.

SB 485--Education.

SB 486--Ways and Means.

SB 487--Conservation, Parks and Tourism.

SB 488--Public Health and Welfare.

SB 489--Civil and Criminal Jurisprudence.

SB 490--Judiciary.

SB 491--Corrections and General Laws.

SB 492--Corrections and General Laws.

SB 493--Corrections and General Laws.

SB 494--Civil and Criminal Jurisprudence.

SB 495--Commerce and Environment.

SB 496--Education.

SB 497--Conservation, Parks and Tourism.

SB 498--Education.

SB 499--Transportation.

SB 500--Ways and Means.

SB 501--Ethics.

SB 502--Public Health and Welfare.

SB 503--Transportation.

SB 504--Appropriations.

SB 505--Appropriations.

SB 506--Education.

SB 507--Commerce and Environment.

SB 508--Ways and Means.

SB 509--Transportation.

SB 510--Transportation.

SB 511--Commerce and Environment.

SB 512--Insurance and Housing.

SB 513--Financial and Governmental Operations.

SB 514--Civil and Criminal Jurisprudence.

SB 515--Public Health and Welfare.

SB 516--Ways and Means.

SB 517--Ways and Means.

SB 518--Civil and Criminal Jurisprudence.

SB 519--Transportation.

SB 520--Transportation.

SB 521--Agriculture and Local Government.

SB 522--Transportation.

SB 523--Education.

SB 524--Commerce and Environment.

SB 525--Public Health and Welfare.

SB 526--Education.

SB 527--Civil and Criminal Jurisprudence.

SB 528--Commerce and Environment.

SB 529--Commerce and Environment.

SB 530--Transportation.

SB 531--Public Health and Welfare.

SB 532--Elections, Pensions and Veterans' Affairs.

SB 533--Insurance and Housing.

SB 534--Labor and Industrial Relations.

SB 535--Civil and Criminal Jurisprudence.

SB 536--Commerce and Environment.

SB 537--Judiciary.

SB 538--Financial and Governmental Operations.

SB 539--Civil and Criminal Jurisprudence.

SB 540--Education.

SB 541--Transportation.

SB 542--Education.

SB 543--Education.

SB 544--Transportation.

SB 545--Public Health and Welfare.

SB 546--Ways and Means.

SB 547--Civil and Criminal Jurisprudence.

SB 548--Elections, Pensions and Veterans' Affairs.

SB 549--Agriculture and Local Government.

SB 550--Labor and Industrial Relations.

SB 551--Ways and Means.

SB 552--Judiciary.

SB 553--Judiciary.

SB 554--Education.

SB 555--Aging, Families and Mental Health.

SB 556--Ways and Means.

SB 557--Corrections and General Laws.

SB 558--Transportation.

SB 559--Public Health and Welfare.

SB 560--Transportation.

SB 561--Commerce and Environment.

SB 562--Education.

SB 563--Education.

SB 564--Education.

SB 565--Labor and Industrial Relations.

SB 566--Ways and Means.

SB 567--Labor and Industrial Relations.

SB 568--Public Health and Welfare.

SB 569--Aging, Families and Mental Health.

SB 570--Commerce and Environment.

SB 571--Transportation.

SB 572--Education.

SB 573--Public Health and Welfare.

SB 574--Elections, Pensions and Veterans' Affairs.

SB 575--Public Health and Welfare.

SB 576--Civil and Criminal Jurisprudence.

SB 577--Civil and Criminal Jurisprudence.

SB 578--Appropriations.

SB 579--Ways and Means.

SB 581--Insurance and Housing.

SB 582--Labor and Industrial Relations.

SB 583--Elections, Pensions and Veterans' Affairs.

SB 584--Public Health and Welfare.

SB 585--Ways and Means.

SB 586--Transportation.

SB 587--Civil and Criminal Jurisprudence.

SB 588--Corrections and General Laws.

SB 589--Commerce and Environment.

SB 590--Financial and Governmental Operations.

SB 591--Public Health and Welfare.

SB 592--Elections, Pensions and Veterans' Affairs.

SB 593--Civil and Criminal Jurisprudence.

SB 595--Corrections and General Laws.

SB 596--Judiciary.

SB 597--Insurance and Housing.

SB 598--Elections, Pensions and Veterans' Affairs.

SB 599--Corrections and General Laws.

SB 600--Education.

SB 601--Public Health and Welfare.

SB 602--Civil and Criminal Jurisprudence.

SB 603--Judiciary.

SB 604--Aging, Families and Mental Health.

SB 605--Education.

SB 606--Education.

SB 607--Elections, Pensions and Veterans' Affairs.

SB 608--Commerce and Environment.

SB 609--Elections, Pensions and Veterans' Affairs.

SB 610--Judiciary.

SB 611--Transportation.

SB 612--Elections, Pensions and Veterans' Affairs.

SB 613--Commerce and Environment.

SB 614--Conservation, Parks and Tourism.

SB 615--Education.

SB 616--Transportation.

SB 617--Transportation.

SB 618--Financial and Governmental Operations.

SB 619--Judiciary.

SB 620--Insurance and Housing.

SB 621--Insurance and Housing.

SB 622--Insurance and Housing.

SB 623--Corrections and General Laws.

SB 624--Appropriations.

SB 625--Financial and Governmental Operations.

SB 626--Insurance and Housing.

SB 627--Insurance and Housing.

SB 628--Judiciary.

SB 629--Civil and Criminal Jurisprudence.

SB 630--Commerce and Environment.

SB 631--Commerce and Environment.

SB 632--Transportation.

SB 633--Public Health and Welfare.

SB 634--Financial and Governmental Operations.

SB 635--Ways and Means.

SB 636--Financial and Governmental Operations.

SB 637--Transportation.

SB 638--Civil and Criminal Jurisprudence.

SB 639--Ways and Means.

SB 640--Ways and Means.

SB 671--Agriculture and Local Government.

SJR 28--Elections, Pensions and Veterans' Affairs.

SJR 29--Agriculture and Local Government.

SJR 30--Appropriations.

SJR 31--Corrections and General Laws.

SJR 32--Aging, Families and Mental Health.

INTRODUCTIONS OF GUESTS

Senator McKenna introduced to the Senate, Robert Ritter, Joanie Lockwood and Judy Stinsen, St. Louis.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, January 8, 1996.

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY--MONDAY, JANUARY 8, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for every opportunity to make a difference in the life of another person. Keep us mindful that every decision that we make has the potential of hurting or helping someone else. Help us to live with a clean mind and pure heart that our choices might be worthy. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 4, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Curls	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 719, regarding the One Hundred Sixth birthday of Edith C. Finley, Springfield, which was adopted.

On behalf of Senator Scott, Senator Banks offered Senate Resolution No. 720, regarding Timothy P. O'Donnell, St. Louis, which was adopted.

On behalf of Senator Curls, Senator Banks offered Senate Resolution No. 721, regarding the death of Odie Mae Chatman, Kansas City, which was adopted.

Senator Clay offered Senate Resolution No. 722, regarding Dr. Henry Givens, Jr., Ph.D., St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 723, regarding the Scism Motor Company, which was adopted.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 703--By Wiggins.

An Act to repeal section 376.381, RSMo 1994, relating to mental health expense benefits, and to enact in lieu thereof one new section relating to the same subject.

SB 704--By Wiggins.

An Act to repeal section 516.097, RSMo 1994, relating to the statute of limitations on certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

SB 705--By Wiggins.

An Act to amend chapter 537, RSMo, by adding one new section relating to claims against certain licensed professionals.

SB 706--By Wiggins.

An Act relating to the licensing of acupuncturists.

SB 707--By Caskey.

An Act to repeal sections 178.900, 178.910, 178.920 and 178.930, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof four new sections relating to the same subject.

SB 708--By Caskey.

An Act to repeal sections 319.100, 319.129 and 319.133, RSMo 1994, and sections 319.131 and 319.132, RSMo Supp. 1995, relating to storage tanks, and to enact five new sections relating to the same subject.

SB 709--By Maxwell.

An Act to repeal sections 105.959 and 105.961, RSMo 1994, and section 105.955, RSMo Supp. 1995, relating to the Missouri ethics commission, and to enact in lieu thereof three new sections relating to the same subject.

SB 710--By Maxwell.

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one

new section relating to the same subject.

SB 711--By Maxwell.

An Act to repeal section 416.615, RSMo Supp. 1995, relating to the sale of motor fuel, and to enact in lieu thereof two new sections relating to the same subject.

SB 712--By Maxwell.

An Act relating to large-scale economic development projects.

SB 713--By Goode.

An Act to repeal sections 58.451 and 58.720, RSMo 1994, relating to duties of coroners, and to enact two new sections relating to the same subject.

SB 714--By Goode.

An Act to amend chapter 392, RSMo, by adding one new section relating to telecommunication services.

SB 715--By Flotron and McKenna.

An Act to repeal section 226.445, RSMo 1994, relating to the Mississippi River Parkway Commission, and to enact in lieu thereof one new section relating to the same subject.

SB 716--By Flotron and Ehlmann.

An Act to repeal sections 211.071, 211.181 and 211.231, RSMo Supp. 1995, relating to juvenile offenses, and to enact three new sections relating to the same subject.

SB 717--By Flotron and Ehlmann.

An Act to repeal section 305.230, RSMo 1994, relating to airports, and to enact one new section relating to the same subject.

SB 718--By Bentley.

An Act to amend chapter 116, RSMo, by adding thereto one new section relating to ballot measures.

SB 719--By Staples.

An Act to repeal section 473.739, RSMo 1994, relating to public administrators, and to enact one new section relating to the same subject.

SB 720--By Staples.

An Act to repeal section 536.050, RSMo 1994, relating to administrative actions, and to enact one new section relating to the same subject.

SB 721--By Moseley.

An Act to repeal section 217.364, RSMo 1994, relating to an offenders treatment program, and to enact in lieu thereof one new section relating to the same subject.

SB 722--By Moseley and Westfall.

An Act to repeal sections 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.540, 302.541, 479.040, 577.001, 577.012, 577.023, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171 and 302.302, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

SB 723--By House.

An Act to repeal sections 67.457, 67.459 and 67.461, RSMo Supp. 1995, relating to neighborhood improvement districts, and to enact in lieu thereof three new sections relating to the same subject.

SB 724--By Treppler.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to insurance discounts for motor vehicle driving courses.

SB 725--By DePasco.

An Act to amend chapter 307, RSMo, by adding one new section relating to sound amplification systems in motor vehicles, with penalty provisions.

SB 726--By Howard.

An Act to amend chapter 192, RSMo, by adding two new sections relating to public health functions.

SB 727--By Johnson.

An Act to repeal section 630.140, RSMo 1994, relating to confidential records, and to enact in lieu thereof one new section relating to the same subject.

SB 728--By Ehlmann and House.

An Act to repeal section 210.861, RSMo Supp. 1995, relating to the community services children's fund, and to enact one new section relating to the same subject.

RESOLUTIONS

Senator Mathewson moved that **SR 717** be taken up and adopted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 729--By Klarich.

An Act to amend chapter 375, RSMo, by adding five new sections relating to the reorganization of mutual insurance companies.

RE-REFERRALS

President Pro Tem Mathewson re-referred **SB 510** to the Committee on Corrections and General Laws.

SECOND READING OF SENATE BILLS

The following Bills were read the second time and referred to the Committees indicated:

SB 641--Corrections and General Laws.

SB 642--Civil and Criminal Jurisprudence.

SB 643--Aging, Families and Mental Health.

SB 644--Financial and Governmental Operations.

SB 645--Financial and Governmental Operations.

SB 646--Insurance and Housing.

SB 647--Transportation.

SB 648--Elections, Pensions and Veterans' Affairs.

SB 649--Insurance and Housing.

SB 650--Education.

SB 651--Commerce and Environment.

SB 652--Elections, Pensions and Veterans' Affairs.

SB 653--Judiciary.

SB 654--Ways and Means.

SB 655--Education.

SB 656--Civil and Criminal Jurisprudence.

SB 657--Agriculture and Local Government.

SB 658--Corrections and General Laws.

SB 659--Public Health and Welfare.

SB 661--Conservation, Parks and Tourism.

SB 662--Commerce and Environment.

SB 663--Financial and Governmental Operations.

SB 664--Financial and Governmental Operations.

SB 665--Agriculture and Local Government.

SB 666--Aging, Families and Mental Health.

SB 667--Education.

SB 668--Civil and Criminal Jurisprudence.

SB 669--Commerce and Environment.

SB 670--Conservation, Parks and Tourism.

SB 672--Ways and Means.

SB 673--Aging, Families and Mental Health.

SB 674--Public Health and Welfare.

SB 675--Civil and Criminal Jurisprudence.

SB 676--Financial and Governmental Operations.

SB 677--Agriculture and Local Government.

SB 678--Elections, Pensions and Veterans' Affairs.

SB 679--Civil and Criminal Jurisprudence.

SB 680--Appropriations.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 4, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

B. Karl Zobrist, Democrat, 1232 Stratford Road, Kansas City, Jackson County, Missouri 64113, as Chairman of the Public Service Commission, for a term ending January 4, 2001, and until his successor is duly appointed and qualified; vice, Allan G. Mueller, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointment to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Steve and Karen Rice, and Lynn and Kari Herndon, Springfield.

Senator Russell introduced to the Senate, Dr. Bill Scoggins, Camdenton.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, Doniphan.

On behalf of Senator Wiggins, the President introduced to the Senate, Dr. John W. Tinley and Dr. John R. Tinley, Kansas City.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, January 9, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY--TUESDAY, JANUARY 9, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, it is comforting to know that no matter what happens, God loves us. You love us when we don't deserve it, when no one else seems to, in good times and in bad, no matter what happens, You love us. Help us to share Your love with others. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 730--By Mathewson.

An Act to repeal section 287.380, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

SB 731--By Mathewson.

An Act to repeal section 287.160, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

SB 732--By Mathewson.

An Act to repeal section 287.090, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

SB 733--By Mathewson.

An Act to repeal section 287.061, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

SB 734--By Flotron, Melton and Klarich.

An Act to repeal section 116.170, RSMo 1994, relating to the submission of ballot measures to the voters, and to enact in lieu thereof one new section relating to the same subject.

SB 735--By Flotron and Schneider.

An Act to repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof one new section relating to the same subject.

SB 736--By Flotron.

An Act to amend chapter 376, RSMo, by adding thereto eleven new sections relating to consumer protection, with penalty provisions and an effective date.

SB 737--By Flotron.

An Act to repeal section 523.045, RSMo 1994, relating to condemnation proceedings, and to enact in lieu thereof two new sections relating to the same subject.

SB 738--By Maxwell.

An Act to amend chapter 376, RSMo, by adding four new sections relating to direct patient access to primary eye care providers.

SB 739--By Maxwell.

An Act to repeal section 301.566, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

SB 740--By Maxwell.

An Act relating to Southern Regional Emergency Management Compact.

SJR 33--By Klarich, Flotron, Sims, Ehlmann, Kenney, Graves, Kinder and Treppler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri relating to the bill of rights, by adding thereto one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 629** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 629, Page 2, Section 304.009, Line 26 by striking the word "**Notwithstanding**" and inserting in lieu thereof the following: "**Except as provided in**"; and

Further amend said bill, page 4, section 304.010, line 80, by striking the word "**Notwithstanding**" and inserting in lieu thereof the following: "**Except as provided in**"; and further amend said bill, page and section, line 82, by inserting after the word "violation" the following: "**of subsection 2, 3 or 4**"; and

Further amend said bill, page 5, section 304.010, line 87, by inserting after the word "violating" the following: "**subsection 2, 3 or 4 of**".

Senator Caskey moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Rohrbach offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 629, Page 2, Section 304.009, Line 26, by deleting the words, "**Notwithstanding subsection 8 of section 304.010,**"; and

Further amend said bill, Page 4, Section 304.010, Line 80, by deleting the words, "**Notwithstanding subsection 8 of this section,**"; and

Further amend said bill, Page 4, Section 304.010, Line 82, by deleting all of subsection 8; and

Further amend said bill by renumbering remaining subsections accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SB 629**, with **SA 1** and **SSA 1 for SA 1** (pending), was placed on the Informal Calendar.

FIRST READING OF SENATE BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 741--By Schneider, Melton, Ehlmann, Wiggins, Rohrbach, Mueller, Westfall, House, Kenney, Curls, Scott, Klarich, McKenna, Flotron, Russell, Graves, Treppler, Singleton and Kinder.

An Act to amend chapter 487, RSMo, by adding eleven new sections relating to case managers offering peripregnancy care options.

SB 742--By Curls.

An Act to repeal section 32.111, RSMo 1994, and section 32.115, RSMo Supp. 1995, relating to tax credits for assistance to affordable housing, and to enact in lieu thereof three new sections relating to the same subject.

SB 743--By Curls.

An Act to amend chapter 376, RSMo, by adding one new section relating to insurer's subrogation to rights of recovery of insured persons.

SB 744--By Curls.

An Act to repeal sections 441.020, 441.040, 441.060, 441.070, 441.130, 534.020, 534.030, 534.330, 534.380, 535.040, 535.110 and 535.300, RSMo 1994, relating to landlord and tenant law, and to enact in lieu thereof twenty-nine new sections relating to the same subject.

SB 745--By Curls and Banks.

An Act to repeal sections 141.530 and 141.550, RSMo 1994, relating to delinquent real estate taxes, and to enact in lieu thereof two new sections relating to the same subject.

SB 746--By Curls.

An Act to amend chapter 290, RSMo, by adding eleven new sections relating to rights and remedies with respect to wrongful discharge from employment.

SB 747--By Curls.

An Act to repeal sections 89.100 and 89.110, RSMo 1994, relating to appeals from boards of zoning adjustment, and to enact two new sections relating to the same subject.

SB 748--By Curls.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to pharmaceutical delivery of drugs and devices necessary to treat chronic kidney failure.

SB 749--By Curls.

An Act to repeal section 447.624, RSMo 1994, relating to abandoned property proceedings, and to enact one new section relating to the same subject.

SB 750--By House and Ehlmann.

An Act to repeal sections 215.316 and 215.327, RSMo 1994, relating to housing, and to enact in lieu thereof two new sections relating to the same subject.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 724, regarding Jason S. Dement, Hazelwood, which was adopted.

Senator Schneider offered Senate Resolution No. 725, regarding James P. Rawlings, Florissant, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, David Ruecker, Town and Country.

On behalf of Senator Kenney and Senator Mathewson, the President introduced to the Senate, Senator Kenney's

daughter, Kristin, Lee's Summit.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. David Auner, Ironton.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, January 10, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY--WEDNESDAY, JANUARY 10, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray for our friends in the House that You be with them. We are thankful for our state and nation in which differences are settled by conferences and not commandos. We pray that You will use each one of us to insure confidence in our way of life and make the good life available to all. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Staples assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 751--By Wiggins.

An Act to repeal section 630.460, RSMo 1994, relating to the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

SB 752--By Wiggins.

An Act to repeal sections 136.315, 143.451, 143.631, 143.751, 143.781, 143.811, 144.027 and 144.190, RSMo 1994, relating to taxation and to enact in lieu thereof eight new sections relating to the same subject.

SB 753--By Caskey.

An Act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof one new section relating to the same subject.

SB 754--By Johnson.

An Act to repeal sections 303.024, 303.025, 303.026, 303.042, 303.043, 303.140 and 303.290, RSMo 1994, relating to insurance requirements for motor vehicle owners, and to enact in lieu thereof seven new sections relating to the same subject.

SB 755--By Johnson.

An Act to amend chapter 640, RSMo, by adding two new sections relating to environmental protection, with penalty provisions.

SB 756--By Westfall.

An Act to amend chapter 211, RSMo, by adding one new section relating to juvenile detention facilities.

SB 757--By Maxwell.

An Act to amend chapter 644, RSMo, by adding one new section relating to the authorization of additional state bonds.

SB 758--By Singleton.

An Act to repeal section 700.455, RSMo 1994, relating to manufactured homes, and to enact in lieu thereof one new section relating to the same subject.

SB 759--By Lybyer.

An Act to repeal sections 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270 and 375.1275, RSMo 1994, relating to risk-based capital requirements for insurers, and to enact eleven new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bill was read the second time and referred to the Committee indicated:

SB 660--Corrections and General Laws.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 726, regarding the Tenth Anniversary of the Missouri State Lottery, which was adopted.

COMMUNICATIONS

Senator Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

January 9, 1996

The Honorable Jim Mathewson

President Pro Tem

Capitol Building

Jefferson City, MO 65101

Dear Jim:

Please let this letter serve as my resignation as a Senate member of the Missouri Women's Council.

Sincerely,

/s/ Ed Quick

Edward E. Quick

State Senator

District #17

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, the Physician of the Day, Dr. Donald J. Alcorn, M.D., Warsaw.

Senator Wiggins introduced to the Senate, Jeff Simon, Kansas City.

Senator Schneider introduced to the Senate, Charlie Spoonhour, Doug McIlhagga, Jeff Harris and Carlos McCauley, St. Louis University.

Senator Caskey introduced to the Senate, Lynn and Jackie Harmon, Warrensburg.

On behalf of Senator Staples, the President introduced to the Senate, Brad Williams, Eminence.

On motion of Senator Caskey, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY--THURSDAY, JANUARY 11, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Dear Lord, with every call for help, with every request, with every special interest, help us to remember that every person's dreams, fantasies, goals and ideas are as important as ours. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Goode	Scott--2
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The Lieutenant Governor was present.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into

and adopted **HR 82**.

HOUSE RESOLUTION NO. 82

BE IT RESOLVED, that the Chief Clerk of the House of Representatives is hereby instructed to inform the Senate that the House of Representatives is now duly organized with the following officers, to wit:

Speaker	Steve Gaw
Speaker Pro Tem	Fletcher Daniels
Chief Clerk	Douglas Burnett
Doorkeeper	Carl Strader
Sergeant-at-Arms	Larry Walker
Chaplain	Fr. Hugh Behan

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 1**.

HOUSE CONCURRENT RESOLUTION NO. 1

BE IT RESOLVED, by the House of Representatives of the Eighty-Eighth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Thursday, January 11, 1996, to receive a message from His Honor, John C. Holstein, the Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and Senate of the Eighty-Eighth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a committee of ten from the Senate to wait upon the Chief Justice of the Supreme Court: Representatives Witt, Harlan, Hosmer, Smith, Days, May, Murray (135), Ridgeway, Gibbons, Richardson and Naeger.

RESOLUTIONS

On behalf of Senator Scott, Senator Banks offered Senate Resolution No. 727, regarding Officer Grant Smith, St. Louis Metropolitan Police Department, which was adopted.

Senator Lybyer offered Senate Resolution No. 728, regarding the Ninetieth Birthday of Mrs. Flossie Ellen Glenn, Vienna, which was adopted.

Senator Howard offered Senate Resolution No. 729, regarding Helena Ruhl, Qulin, which was adopted.

Senator Howard offered Senate Resolution No. 730, regarding Mr. Alvin (Buddy) Bess, Poplar Bluff, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mathewson requested unanimous consent of the Senate to suspend the rules for the purpose of taking up

HCR 1 for adoption, which request was granted.

On motion of Senator Mathewson, **HCR 1** was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Bentley	Curls	Schneider--3
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Absent with leave--Senators

Goode	Melton	Scott--3
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COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following committee pursuant to **HCR 1**: Senators House, Caskey, Ehlmann, Kinder, Klarich, Maxwell, Melton, Moseley, Schneider and Wiggins.

Senator Banks moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable John C. Holstein, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley

Mueller	Rohrbach	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators

Goode	Melton	Russell	Scott--4
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On roll call the following Representatives were present:

Present Representatives

Akin	Alter	Auer	Backer
Ballard	Barnett (4)	Bartelsmeyer	Bennett (15)
Boatright	Bonner	Boucher	Bray
Broach	Brown	Burton	Canuteson
Carter	Champion	Chrismer	Cierpiot
Clayton	Cooper	Crum (112)	Daniels (41)
Davis	Days	Donovan	Dougherty
Edwards	Enz	Evans	Farmer
Farnen	Fiebelman	Fitzwater	Ford
Foster	Froelker	Garnett	Gaskill
Gibbons	Graham	Gratz	Green
Griesheimer	Griffin	Gross	Hall
Hand	Harlan	Hartzler (123)	Hartzler(124)
Heckemeyer	Hegeman	Hendrickson	Hickey
Hohulin	Hoppe	Hosmer	Howerton
Jacob	Kasten	Kauffman	Keeven
Kelley (47)	Kelly (27)	Kessel	Klumb
Lakin	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon
Luetkenhaus	Marshall (26)	Marshall (133)	May (108)
Mays (50)	McBride	McClelland	McLuckie
Mitchell	Montgomery	Morgan	Murray (69)
Murray (135)	Naeger	Nordwald	O'Connor
Oetting	Ostmann	Overschmidt	Pauley
Pouche	Pryor	Reynolds	Richardson
Ridgeway	Robirds	Ross	Sallee
Schilling	Schwab	Scott	Sears
Secrest	Shear	Shelton (57)	Shields
Skaggs	Smith	Sombart	Steen
Stokan	Stoll	Summers	Tate

Thompson(37)	Treadway	Troupe	VanZandt
Vogel	Wannenmacher	Whiteside	Wieland
Wiggins	Williams (121)	Williams (159)	Witt
Mr. Speaker 133	Absent and Absent with Leave Representatives		
Barnes	Bland	Childers	Copeland
Crump (152)	Daniel (42)	Elliott	Foley
Franklin	Goward	Gunn	Hagan-Harrell
Koller	Kreider	Leake	Lumpe
Marble	Murphy	O'Neill	O'Toole
Prost	Ribaudo	Rizzo	Scheve
Sheldon (104)	Surface	Thomason (163)	Ward
Wooten 29	Vacancies 1		

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, John C. Holstein, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

STATE OF THE JUDICIARY ADDRESS

John C. Holstein, Chief Justice, Supreme Court of Missouri

January 11, 1996

Lieutenant Governor, Mr. Speaker, members of the General Assembly, colleagues, and fellow Missourians:

It is a great honor to be the twelfth chief justice since the tradition began in 1974 to be invited to speak to the General Assembly. Both you and I, as public servants, are privileged to stand here today on the broad shoulders of earlier chief justices, senators, representatives, and members of the executive branch. Their foresight in designing and implementing our state system of justice reflects immense wisdom. They were progressive when progress was called for. They exercised restraint when restraint was appropriate.

In recent years the General Assembly has upheld that great tradition. You have continued to provide the tools necessary to make the delivery of justice to Missouri citizens better, faster and more efficient than ever before. The backlogs and delays that exist in other states do not exist in Missouri. The General Assembly has been most helpful in two particular areas. First, in order to meet the challenge presented by an unprecedented growth rate in caseloads, prior chief justices have come to the legislature to seek funding for judicial transfer programs, and for the broader use of our senior judges. The General Assembly and the Governor have responded favorably to those requests in the past. As a result, tens of thousands of cases have been disposed of by judges on transfer and by senior judges. We are grateful to the other two branches of government for assisting the courts. All Missourians should be enormously grateful to the senior judges and to the judges who have been transferred, often at considerable inconvenience and, in the case of senior judges, without receiving full compensation. Last year alone, the number of days our senior judges worked were equivalent to more than 10 full-time sitting judges.

The second area in which the General Assembly in recent years has been most helpful is in providing the courts with ability to automate. Beginning in 1994, the legislature provided for a funding mechanism to develop a statewide computerized court system. The General Assembly has challenged us to create a court system that is more accessible and more effective than ever before.

Meetings are being held around the state with those who will use electronic courts -- appellate judges, trial judges, clerks, attorneys, and state agencies, who routinely need access to court information. We are now beginning to see the first fruit of the court automation project. Through arrangements made with the Court Automation Committee, Missouri statutes and Missouri cases going back to 1950 are now available on compact disk to all trial judges in the state who want them. We hope to put more of our Supreme Court publications, Approved Instructions and judicial bench books on computer disk in the near future. A judge traveling a circuit may carry a complete Missouri law library in a briefcase. In the future, we may be able to have such a library on line. Plans are being made for the Missouri Bar and the Missouri State Courts Administrator to have a home page on the internet so that lawyers and citizens alike may access information about the courts. Lawyers will be able to register for continuing legal education programs, and information regarding selecting a lawyer, small claims court, or recent court decisions may be located by citizens.

A more important and certainly the more costly aspect of the project is the contract entered into this fall to design an architecture which will provide a statewide judicial information system that will take us well into the next century. Ultimately, that system will allow us the option of

electronic filings of pleadings, giving of notices, and archiving of court records for retrieval on a 24-hour-a-day basis. Video conferencing will be included in the plan so that some court proceedings may be conducted from remote locations. The contract will give us an architecture for a computer system which will not become obsolete before the system is completed.

As originally conceived, our court automation project required ten years of funding. As you know, the court automation bill as it finally passed only provided for five years of funding. I again commend to you the need to consider extending that funding for the five additional years necessary to complete the project.

As we enter into court automation, we are making every effort not to computerize merely for the sake of computerization. Now is the time to eliminate bad practices and procedure. Every aspect of our judicial process must be open to thorough examination.

The story is told about a young wife who baked a ham every Sunday. Every Sunday she cut the ends of the ham off before she baked it. After watching her do this for a few weeks, her young husband asked her why she did it. She said, "I do it because my mother did it." She then called her mother and asked her why she cut the ends off the ham. Her mother said, "My mother did it." So grandma was called. She asked grandma why she cut the ends off the ham. Grandma replied, "Simple. My pan was too small."

We are trying to be careful as we computerize not to perpetuate a senseless practice merely because "that's how grandma did it." We should not become so steeped in tradition that we are incapable of change.

To obtain the full benefit of computerization will undoubtedly require some statutory changes. We will be coming to you to assist us in making the necessary changes so that we do not continue to cut the ends off the ham.

This brings me to legislation which we are going to ask you to consider and, hopefully, pass during this session of the legislature. It has to do with our present system of court costs. As most of you are aware, that system is extremely complex. Court costs have been used and, in the view of some, overused as a revenue enhancement device. Court costs and fees have historically been a method for offsetting some of the public cost of operating the court system from the users of that system. To ask those who most directly benefit from operation of the court to share in the costs of its operation is not inherently wrong.

At the same time, for the court to fulfill its role and to provide citizens their constitutional rights to due process, access must not be prevented or unduly restricted by the amount of court costs or by the proliferation of costs unrelated to court operations that are charged. The costs for filing circuit civil cases has risen from \$60 in 1982 to over \$100 in 1995. These costs, surcharges and fees may occur within the case due to service of process, payment of jury fees, copying fees, court reporter transcript fees, etc. These must be sorted out and billed by the clerks of the court. Then the costs must be distributed to the proper agency. Each of you have been provided with a diagram of our court costs system. Larger versions of that same diagram have been set up in the front of each of the two galleries.

The diagram graphically illustrates the present system and why court costs are a prime target for reengineering as we enter the electronic age. The current court costs system is scattered through more than seventy sections of the statutes, beginning in chapter 14 and concluding in chapter 595 of the Revised Statutes. Under the current billing system, the billing may be quite late. It is not at all unusual that the responsible party is dead or that an attorney has lost contact with his or her client who is the responsible party. The billing system is unnecessarily complex. In one associate circuit court, I was shown a receipt form that was more than eighteen inches wide merely so that it could have a box to be filled in for each of the separate court costs involved.

Auditing is quite difficult. There is no system of immediate electronic audit that follows a case from filing through the judge's entry of orders, including assessment of fines and costs, and on to the clerk, who collects the costs, and then to the state or county agencies that receive the funds. Much of this is done manually. Naturally, it must await a manual audit. As you know, those audits often occur only every two or three years.

The final problem and, perhaps, the most important problem, is the public's perception that costs are too high and too complicated. We have regularly heard complaints from people that costs and fines in one county are significantly different for the same type case a few counties away.

Here are the basic solutions which the legislation proposes:

First, to the maximum extent possible, all court costs should be placed in one chapter. In that chapter should be found not only provisions for the amount but the procedures for collection and distribution of the funds. By doing that, it is less likely that some fee or cost required to be collected by law will be missed or will not reach the proper account. In addition, terminology used in all statutes relating to various costs, fees and surcharges will be defined and made uniform.

Second, to the maximum extent possible, funds will be distributed more rapidly to the appropriate state and local government agencies. Provision should be made for electronic transfers of funds to the appropriate agencies at the state and county level.

Third, we hope to provide courts with the same flexibility accorded executive agencies for establishing charges that are directly related to the costs of services provided, such as mileage, copying papers, jury fees, and the like. To the maximum extent possible, these fees should be uniform. Costs charged in one type case in St. Charles County should not vary significantly from costs charged for the same type case in Clay County. Just like executive fees, these charges should always be subject to legislative review but, like executive agencies, the Supreme Court should have the

ability to adopt uniform rules regarding the amount of costs which should properly be recovered from the parties.

Fourth, as part of court automation, a clear trail of what money is collected and where it goes that is capable of electronic audit must be established. If all the fines and costs in a particular case are not collected, that case should be flagged immediately in the system so that at least two people, perhaps the judge who assessed the fine and costs, and clerk responsible for collecting them, will be aware of the shortfall. Court automation, coupled with simplification in court costs in a unified code using uniform terminology and uniform fee schedules, should result in accurate and timely billing, collection and disbursement of court costs.

There may be some immediate costs related to this legislation. I would hope that in the long term, collections would in fact be enhanced. As you can guess from the diagram, there may be some holes in the bucket. If we can make court costs simpler, uniform, understandable and efficient, that will be a major step in earning the confidence of the people we all serve.

I wish I could say that legislation to simplify and clarify court costs is simple and clear. As you can see from the diagram, you are being asked to untie a gordian knot of court costs that has developed over many, many years and to do so without reducing revenues. As we undertake this task, I am reminded that sometimes the hardest things we do can be the most rewarding.

Returning for a moment to the subject of court automation, I wish to point out we have placed a high priority on the planning phase of court automation. We have demanded from our consultants an organized, well thought out approach to automation which sidesteps waste and false starts made by other states who fell into the temptation of quick solutions and wholesale purchases of hardware and off-the-shelf software. As we bring forward the plan, and as you see the complexity of what is required to create the statewide system that is envisioned, we hope that the system will earn your trust, confidence and support.

In this regard, we are hopeful that you will ask questions and closely follow the court automation project as well as our efforts to simplify, clarify and make more efficient the billing, collection and distribution of court costs.

There are other less costly but nonetheless important matters that we have placed before the legislature this year for consideration. One such matter is court security. I would not want to see our courthouses turned into fortresses. But insuring the safety of court staff, lawyers and litigants is essential. Court security in our circuit courts around the state is largely the responsibility of county government. Most county governments have taken that responsibility quite seriously, particularly in view of the events that occurred in Oklahoma City last year. Currently, our Supreme Court security staff is very small. Security equipment that is standard in most urban courthouses, most federal courthouses and some of the courts of appeals is not available for the Supreme Court. A committee appointed last year by the Supreme Court is working on overall recommendations for court security in the state. One of their immediate recommendations is that we strengthen the security of our own building across the street. While we have been fortunate to not have any serious incidents, we would not want to wait until something actually occurs to take action.

The Governor's Commission on the Judiciary recently made nineteen specific recommendations regarding the judicial system. While neither the Judicial Conference nor the Supreme Court has taken a position on the recommendations, I can assure you that members of the judiciary have closely observed the Governor's Commission in its deliberations. The Commission's report is thoughtful and thorough. I commend them for their work. I commend their report to you for your careful consideration. If we in the judiciary can be of any assistance to you, we will gladly make ourselves available for discussing specific topics included in the Commission's report and how those topics will affect court operations.

As previously noted, daunting caseloads are facing the courts in Missouri. In the last ten years, excluding traffic and municipal cases, the overall caseload has grown 25%. In two specific areas, domestic relations and felonies, the growth rate has been even more startling. In domestic relations, the annual number of cases filed has increased 59%. Seventy-four percent more felony cases were filed in 1995 than in 1985.

One way the trial judges have met the challenge is by moving cases faster. The Supreme Court has established case disposition guidelines. Basically, those guidelines provide a framework within which trial judges can measure whether the cases are moving through a particular judge's court within a reasonable time. By proper use of the guidelines, judges are in a better position to track their own efficiency. However, I have always been cautious to remind everyone that the quality of justice cannot be measured by how fast we dispose of cases. Every case and every court's docket is unique. Every case involves the life, liberty or property of some real person. The delivery of quality justice remains the primary focus of our work.

Educational programs have assisted in handling caseloads. In the early 1980's, a program was established to ensure that Missouri's trial judges had an opportunity at least once annually to receive an update on changes in the statutes, new case law, and the most current information regarding procedures. This year, for the first time, we are asking for a significant increase in our training budget to provide regional in-service training programs for the clerical staff. Just as it is important that judges keep up to date on new law and innovations in court administration, it is also critical that our clerks be given similar opportunities for continuing education, particularly in view of constantly increasing caseloads. Included in our budget for this year is additional funding to provide training to the clerks of our courts in various locations in the state. We are seeking approval of that important program.

It would be wrong for me to leave you with the impression that transfer programs, continuing education programs, and case disposition guidelines imposed by the Supreme Court were entirely responsible for this state's ability to deal with what appears to be an overwhelming caseload. In point of fact, our trial judges and court clerks simply work harder, longer, and smarter than before. That has given us the ability to meet

the challenge of the last ten years. Excluding traffic cases, on average, every judge in Missouri today must dispose of 250 more cases per year than a judge did ten years ago. Ten years ago, the clerks of our state courts were handling \$93 million in child support collections. This past year, those collections had rocketed to over \$300 million. We should all take great pride in what our trial judges and court clerks have accomplished.

The one fact that remains clear is that this growth pattern in caseloads is almost certain to continue into the future. As we face new challenges, there will be an ever greater necessity to give trial courts and clerks the additional tools necessary to help meet the growing demand for services.

At the beginning of my comments, I spoke of the great debt we owe to the members of the General Assembly who, over the course of many years, designed our system of justice. One significant piece of legislation was Missouri's civil code which became effective ten days before I was born. The civil code formed the basis for the Missouri Supreme Court Rules. The Code contained a remarkably simple phrase that established the vision for the Missouri justice system. The statute said that all the laws relating to practices of the courts should be "construed to secure a just, speedy, and inexpensive determination of every action." Those same words were incorporated into Missouri's Supreme Court rules in 1972. I look forward to working with you as we continue to make a just, speedy, and inexpensive determination of every case a reality for the citizens of Missouri.

On motion of Senator Banks, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 760--By Maxwell and Graves.

An Act to repeal sections 142.029 and 274.030, RSMo 1994, and section 142.028, RSMo Supp. 1995, relating to adding value to agricultural products, and to enact four new sections relating to the same subject, with an expiration date.

SB 761--By Maxwell.

An Act to repeal sections 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 411.026 and 411.070, RSMo Supp. 1995, relating to agricultural products, and to enact in lieu thereof thirty-six new sections relating to the same subject, with penalty provisions and with an emergency clause.

SB 762--By Maxwell.

An Act relating to regulation and registration of interior designers, with penalty provisions.

SB 763--By Banks.

An Act to repeal section 376.406, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of improving access to immunization for children.

SB 764--By Banks.

An Act relating to health insurance.

SB 765--By Caskey.

An Act to amend chapter 362, RSMo, by adding one new section relating to certain banking practices, with a termination date.

SB 766--By Caskey.

An Act to repeal section 267.122, RSMo Supp. 1995, relating to animal health laboratory fees, and enacting one new section relating to the same subject.

SB 767--By House.

An Act to repeal sections 376.960, 376.961, 376.962, 376.964, 376.965, 376.966, 376.968, 376.970, 376.973, 376.975, 376.978, 376.980, 376.984, 376.986, 376.989, 379.930, 379.934, 379.936, 379.938, 379.940, 379.942, 379.943, 379.944, 379.948, and 379.952, RSMo 1994, and section 376.982, RSMo Supp. 1995, relating to certain health care coverage, and to enact in lieu thereof eight new sections relating to the same subject, with a contingent effective date for certain sections.

SB 768--By Howard.

An Act to repeal sections 402.215 and 473.657, RSMo 1994, relating to Missouri family trust, and to enact three new sections relating to the same subject.

SB 769--By Quick.

An Act to repeal sections 595.025 and 595.045, RSMo 1994, relating to the crime victims' compensation fund, and to enact in lieu thereof two new sections relating to the same subject.

SB 770--By Treppler.

An Act to repeal section 313.822, RSMo 1994, relating to excursion gambling boats, and to enact one new section relating to the same subject.

SB 771--By Treppler.

An Act to amend chapter 29, RSMo, by adding one new section relating to compliance with audits, with penalty provisions.

SB 772--By Clay.

An Act to amend chapter 376, RSMo, by adding four new sections relating to managed health care plans.

SB 773--By Goode.

An Act to repeal sections 36.030, 36.031, 36.040, 36.050, 36.100, 36.110, 36.120, 36.140, 36.170, 36.180, 36.190, 36.210, 36.240, 36.250, 36.260, 36.280, 36.300, 36.320, 36.330, 36.360, 36.390 and 36.510, RSMo 1994, and section 36.020, RSMo Supp. 1995, relating to Missouri merit system and uniform classification and pay system, and to enact in lieu thereof twenty-three new sections relating to the same subject.

SB 774--By Klarich and Moseley.

An Act to repeal section 509.290, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of requiring the courts of this state to apply the doctrine of forum nonconveniens in civil cases.

SB 775--By Kinder.

An Act to repeal section 94.875, RSMo 1994, relating to certain tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 776--By Moseley.

An Act to repeal sections 338.070, 338.100 and 338.365, RSMo 1994, relating to pharmacies, and to enact in lieu thereof five new sections relating to the same subject.

SB 777--By Moseley.

An Act relating to court costs.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Elizabeth M. "Betty" Linke, Brenda S. Lampton, Norwood A. Creason, Larry G. Foster and Ida B. Cox as members of the State Fair Commission;

Also,

Robert E. Loch, Jr., as a member of the Board of Regents for Northwest Missouri State University;

Also,

Nicklyn B. Foster and Lynn A. Harmon, as members of the Central Missouri State University Board of Regents;

Also,

Ruth A. McGowan, as a member of the Board of Curators for Lincoln University;

Also,

Nathan R. Williams, Jr., as a member of the Advisory Council on Emergency Medical Services;

Also,

Harvey L. Cooper, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Mary Lynn Richter, as a member of the Missouri Head Injury Advisory Council;

Also,

James E. Tuscher, as chairman of the Governor's Council on Disability;

Also,

Barry J. Drucker, as a member of the Missouri State Milk Board;

Also,

Richard H. Guth, Russell G. Schergen, Suzan Jean Mehalko, Cynthia R. Bryant, Elizabeth C. Zahner, Catherine D. Lauman and Daniel C. Ottoline, Sr., as members of the Elevator Safety Board.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to

the above appointments, which motion prevailed.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 503**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 503, Page 1, Section 304.009, Line 1, by inserting immediately before said line the following: "304.001. As used in this chapter and chapter 307, RSMo, the following terms shall mean:

(1) "Commercial vehicle enforcement officers", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to enforce the laws, rules, and regulations pertaining to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles;

(2) "Commercial vehicle inspectors", employees of the Missouri state highway patrol who are not members of the patrol but who are appointed by the superintendent of the highway patrol to supervise or operate permanent or portable weigh stations in the enforcement of commercial vehicle laws;

(3) "Freeway", any state or federal divided highway with four or more lanes having limited access with no at-grade intersections;

~~[(3)]~~ (4) "Members of the patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals and patrolmen of the Missouri state highway patrol;

~~[(4)]~~ (5) "Off-road vehicle", any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

(a) Including, without limitation, the following:

- a. Jeeps;
- b. All-terrain vehicles;
- c. Dune buggies;
- d. Multiwheel drive or low-pressure tire vehicles;
- e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;
- f. Motorcycles, trail bikes, minibikes and related vehicles;
- g. Any other means of transportation deriving power from any source other than muscle or wind; and

(b) Excluding the following:

- a. Registered motorboats;
- b. Aircraft;
- c. Any military, fire or law enforcement vehicle;
- d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;

e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;

f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and

g. Any vehicle being used for the purpose of transporting a handicapped person;

[(5)] (6) "Person", any natural person, corporation, or other legal entity."; and

Further amend the title and enacting clause accordingly; and

Further amend said bill, page 2, section 304.010, line 8, by striking the word "and" and inserting in lieu thereof the following: **"except when the speed limit for other vehicles is over sixty miles per hour, such trucks may be operated up to a speed which is five miles per hour less than the speed limit for other vehicles."**; and further amend line 10, by inserting immediately after the word "any" the following: **"federal interstate or any freeway, provided the freeway is at least ten miles in length** ["; and further amend line 13, by striking the opening bracket "["; and

Further amend said bill and section, page 3, line 34, by inserting immediately after said line the following:

"4. The department of highways and transportation may lower or raise a speed limit set in subsection 2 of this section for particular sections of state highways, but only after a lower or higher speed limit is indicated by an engineering study and after holding public hearings in the areas affected. No speed limit shall be changed under this subsection unless the particular sections of the highways are at least ten miles in length."; and

Further amend said section by renumbering the remaining subsections accordingly.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 687--Education.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Bruce Bellamy, Clinton; and Brian Bellamy, Columbia.

Senator Russell introduced to the Senate, Bill Barr, Camdenton.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, January 15, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTH DAY--MONDAY, JANUARY 15, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful that the dream is still alive, but we are saddened that You would have to be living in a dream world to believe the dream has come true. Wake us up to the need of being our brother's keeper and to the joy of being our brother's brother. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 11, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Clay	Scott--2
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The Lieutenant Governor was present.

INTRODUCTION OF SENATE BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 778--By Westfall.

An Act to repeal section 164.011, RSMo Supp. 1995, relating to school tax rates for capital projects funds, and to enact in lieu thereof one new section relating to the same subject.

SB 779--By Staples.

An Act to repeal section 333.041, RSMo 1994, relating to licensing of funeral directors and embalmers, and to enact in lieu thereof one new section relating to the same subject.

SB 780--By Staples.

An Act to repeal sections 390.150 and 622.010, RSMo 1994, relating to motor carriers, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

SB 781--By Banks and McKenna.

An Act to repeal section 221.105, RSMo Supp. 1995, relating to the boarding of prisoners, and to enact in lieu thereof one new section relating to the same subject.

SB 782--By McKenna and Bentley.

An Act to repeal section 185.100, RSMo 1994, relating to the Missouri arts council, and to enact in lieu thereof one new section relating to the same subject.

SB 783--By McKenna.

An Act to repeal sections 288.380 and 347.187, RSMo 1994, and sections 351.488 and 358.150, RSMo Supp. 1995, relating to unemployment compensation funds, and to enact in lieu thereof four new sections relating to the same subject.

SB 784--By Melton.

An Act to amend chapter 407, RSMo, relating to merchandising practices, by enacting eight new sections relating to the sellers and promoters of travel, with penalty provisions.

SB 785--By Wiggins, Schneider, Klarich, Ehlmann, Graves, House, McKenna, Kenney, Kinder, Mueller, Curls, Rohrbach, Treppner, Westfall, Russell, Melton and Flotron.

An Act to repeal sections 188.025, 188.075, and 188.080, RSMo 1994, relating to abortions, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions, and an effective date.

SB 786--By Wiggins and Kinder.

An Act to create a pilot program of scholarships for educational purposes, and submitting said act to the voters of the state for approval or rejection under the referendum provisions of the constitution.

SB 787--By DePasco.

An Act to repeal section 42.007, RSMo 1994, relating to the Missouri veterans' commission, and to enact one new section relating to the same subject.

SB 788--By Melton.

An Act relating to the civil air patrol.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 731, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs.

Theodore Feldman, Centerview, which was adopted.

Senator Sims offered Senate Resolution No. 732, regarding the One Hundred Sixth Birthday of Ethel R. Harrison, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 733, regarding Mr. Elmer Sharp, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 734, regarding Hudson Foods, Inc., which was adopted.

Senator Kenney offered Senate Resolution No. 735, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gerald Crist, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 736, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Nicholas Darabos, Jr., Lee's Summit, which was adopted.

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 737

WHEREAS, it is a rare occasion when the members of the Missouri Senate are given an opportunity to recognize such longstanding and dedicated volunteer leaders in this state as Mr. Sam Winfred Huey of Dexter; and

WHEREAS, on January 20, 1996, Sam Huey will be formally honored as 1995 Man of the Year by the Dexter Chamber of Commerce, an accolade which testifies to the many important and lasting contributions he has made to improve the quality of life in the Dexter community; and

WHEREAS, during 1995, Mr. Huey compiled an extensive record of service as a member of the Stoddard County Fair Board and as an active volunteer behind-the-scenes at many county-sponsored fair events and other worthwhile events held on the fair grounds; and

WHEREAS, Sam Huey was highly instrumental in saving the Stoddard County Fair when the Dexter Jaycees decided to disband in 1985, since which time he has continued to play an important role in the fair's success while making sure that the focus of fair activities has been oriented toward the benefit of area youth; and

WHEREAS, Sam Huey has been a dedicated 4-H leader in the Dexter community for the past twenty-nine years, during which time he has touched and enriched the lives of countless young people by teaching them many valuable skills and by showing them the importance of responsibility; and

WHEREAS, over the years, Mr. Huey has unselfishly volunteered his time and effort to a wide variety of worthwhile activities, which have included driving the bus for numerous 4-H trips; helping FFA Meat Judging and Livestock Judging teams; providing animals for learning purposes to schools, pre-schools, vacation Bible schools, and Heritage House activities; helping with the Chamber of Commerce Racking Horse Show and the Make-A-Wish Truck Pull; and working at many dinners and other projects at Sacred Heart Catholic Church:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in commending and applauding Sam Huey for his unparalleled record of service and leadership which has truly earned him this Man of the Year recognition, and further extend to him our very best wishes as he continues to devote his time and talents in the interest of his fellow citizens; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. Sam Winfred Huey, as a measure of our esteem for him.

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 738

WHEREAS, the state of Missouri owes a considerable debt of gratitude to those dedicated citizens who have helped to promote progress in this state by working to improve the overall quality of life in their respective communities; and

WHEREAS, Mrs. Patty Shell of Dexter, Missouri, will be formally honored as 1996 Woman of the Year by the Dexter Chamber of Commerce, an accolade which highlights an exceptionally long and illustrious record of community involvement; and

WHEREAS, one of Stoddard County's most visible volunteer leaders for many years, Patty Shell has particularly distinguished herself through her service on behalf of the communities of Dexter and Essex; and

WHEREAS, Patty Shell played a key role in re-activating the Missouri Community Betterment program in Dexter to become an important instrument for the community's development, and she also provided invaluable leadership in working with the Chamber of Commerce to keep the prestigious Missouri State Racking Horse Show in Dexter, an event which has brought considerable honor and recognition to Dexter; and

WHEREAS, Patty Shell was also a driving force in the revitalization of the Dexter Heritage House Association, which has raised approximately \$15,000 for the preservation of the home that is noted to be one of the oldest remaining homes in Dexter; and

WHEREAS, Patty Shell is a charter member of Dexter's Chapter of the Altrusa International Organization, a professional women's group dedicated to eradicating illiteracy in the United States, and a devoted member of the International Soroptimist Club of Dexter, where she has held various offices and has guided the establishment of a \$500 yearly scholarship; and

WHEREAS, Dexter's nominee for the Governor's 1995 Adult Leadership Award, Patty Shell has most recently been involved in the establishment of the Heritage Museum in Dexter, a branch of the Dexter Heritage Association which is committed to preserving the community's proud past and promoting its bright future:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in extending our warmest and most hearty congratulations to Patty Shell at this proud moment of well-deserved recognition, and further extend to her our very best wishes as she continues to devote her time and talent in the interest of her fellow citizens; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mrs. Patty Shell, as a measure of our esteem for her.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Milton J. Bischof, Jr., #6 Elmcrest Acres, St. Louis, St. Louis County, Missouri 63138, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey D. Cawlfeld, Democrat, 13493 County Road 4040, Rolla, Phelps County, Missouri 65401, as a member of the Dam and Reservoir Safety Council, for a term ending July 15, 1997, and until his successor is duly appointed and qualified; vice, Gregory Hemper, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John L. Ditto, Jr., M.D., 903 Tanya Lynn, Jefferson City, Cole County, Missouri 65109, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph L. Driskill, 109 Monterey, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1998, and until his successor is duly appointed and qualified; vice, Tom Sullivan, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Janet P. Handley, 2329 E. Bancroft, Springfield, Greene County, Missouri 65804, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2000, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacqueline Scott Hartman, 16122 Surfview Court, Grover, St. Louis County, Missouri 63040, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 1997, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ed Kruse, 17313 E. 52nd Street, Independence, Jackson County, Missouri 64055, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 1998, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ann D. Laird, 9979 Coddington Way, St. Louis, St. Louis County, Missouri 63131, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2000, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Sean McGinnis, Democrat, 1500 S. Fairway, Springfield, Greene County, Missouri 65804, as a member of the State Fair Commission, for a term ending January 11, 1998, and until his successor is duly appointed and qualified; vice, Senate Bill 692.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel J. "Duke" McVey, 1414 Dixon Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Palmer R. "Nick" Nichols II, 1418 Springdale Terrace, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Training and Employment Council, for a term ending January 11, 2000, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen M. Poort, 2139 Sunset Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1997, and until his successor is duly appointed and qualified; vice, James Orr, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kala M. Stroup, 2024 Stadium Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1996, and until her successor is duly appointed and qualified; vice, Betty Gregoire, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Terry L. Ware, Democrat, 1048 Cedarwood Drive, Merriam Woods, Taney County, Missouri 65740, as a member of the Dam and Reservoir Safety Council, for a term ending June 25, 1996, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John H. Winter, M.D., Democrat, 12205 Blackheath, St. Louis, St. Louis County, Missouri 63141, as a member of the Dam and Reservoir Safety Council, for a term ending April 15, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 629**, with **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Wiggins assumed the Chair.

Senator Rohrbach moved that **SSA 1** for **SA 1** be adopted, which motion failed on a standing division vote.

SA 1 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 629, Page 5, Section 304.010, Line 96 by inserting immediately after said line the following:

"544.665. 1. In addition to the forfeiture of any security which was given or pledged for his release, any person who, having been released pursuant to sections 544.040 to 544.665, or upon a recognizance or bond pursuant to any other provisions of law, willfully fails to appear before any court or judicial officer as required shall be guilty of an offense and punished as follows:

(1) If arrested for or charged with a felony, by a fine of not more than five thousand dollars or imprisoned for not more than five years;

(2) If arrested for or charged with a misdemeanor, by a fine of not more than one thousand dollars or confinement in the county jail for not more than one year;

(3) If arrested for or charged with an infraction, by a fine of not more than five hundred dollars;

[(3)] **(4)** If arrested for the violation of a municipal ordinance, by a fine not to exceed five hundred dollars; provided that the sentence imposed shall not exceed the maximum fine or maximum period of imprisonment which could be imposed for the offense for which the accused was arrested.

2. If the offense or ordinance violation be punished by fine only, punishment by confinement shall not be imposed.

3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its power to punish for contempt."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson assumed the Chair.

On motion of Senator Caskey, **SB 629**, as amended, was declared perfected and ordered printed.

Senator Quick resumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 681--Judiciary.

SB 682--Ethics.

SB 683--Financial and Governmental Operations.

SB 684--Commerce and Environment.

SB 685--Elections, Pensions and Veterans' Affairs.

SB 686--Agriculture and Local Government.

SB 688--Commerce and Environment.

SB 689--Agriculture and Local Government.

SB 690--Agriculture and Local Government.

SB 691--Transportation.

SB 692--Judiciary.

SB 693--Agriculture and Local Government.

SB 694--Education.

SB 695--Conservation, Parks and Tourism.

SB 696--Public Health and Welfare.

SB 697--Transportation.

SB 698--Elections, Pensions and Veterans' Affairs.

SB 699--Corrections and General Laws.

SB 700--Civil and Criminal Jurisprudence.

SB 701--Commerce and Environment.

SB 702--Appropriations.

SB 703--Aging, Families and Mental Health.

SB 704--Judiciary.

SB 705--Corrections and General Laws.

SB 706--Public Health and Welfare.

SB 707--Education.

SB 708--Corrections and General Laws.

SB 709--Ethics.

SB 710--Public Health and Welfare.

SB 712--Commerce and Environment.

SB 713--Aging, Families and Mental Health.

SB 714--Commerce and Environment.

SB 715--Conservation, Parks and Tourism.

SB 716--Civil and Criminal Jurisprudence.

SB 717--Transportation.

SB 718--Elections, Pensions and Veterans' Affairs.

SB 719--Agriculture and Local Government.

SB 720--Judiciary.

SB 721--Civil and Criminal Jurisprudence.

SB 722--Civil and Criminal Jurisprudence.

SB 723--Agriculture and Local Government.

SB 724--Insurance and Housing.

SB 725--Transportation.

SB 726--Aging, Families and Mental Health.

SB 727--Public Health and Welfare.

SB 728--Aging, Families and Mental Health.

SB 729--Insurance and Housing.

SB 730--Labor and Industrial Relations.

SB 731--Labor and Industrial Relations.

SB 732--Labor and Industrial Relations.

SB 733--Labor and Industrial Relations.

SB 734--Corrections and General Laws.

SB 735--Elections, Pensions and Veterans' Affairs.

SB 736--Insurance and Housing.

SB 737--Insurance and Housing.

SB 738--Aging, Families and Mental Health.

SB 741--Judiciary.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Johnson, Chairman of the Committee on Agriculture and Local Government, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 671**, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Se nator Quick offered Senate Resolution No. 739, regarding Mr. Lauzon Maxwell, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Kate Rathbun, North Kansas City.

Senator Quick introduced to the Senate, Richard Whipple and his son, Ryan, Kearney; and Ryan was made an honorary page.

Senator Banks introduced to the Senate, John Aikins, St. Louis.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, January 16, 1996.

Journal of the Senate

SECOND REGULAR SESSION

EIGHTH DAY--TUESDAY, JANUARY 16, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Your presence is evident in so many ways. We are thankful that though others may forsake us, You have promised to never leave us alone. You are with us in good times and in bad, when we are at our best and when we fall short. Be with us that what we do might accomplish something worthwhile. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

President Wilson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 789--By Scott.

An Act to repeal section 32.057, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 790--By DePasco.

An Act to repeal sections 567.010 and 567.020, RSMo 1994, relating to prostitution, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 791--By Westfall.

An Act to amend chapter 221, RSMo, by adding one new section relating to damage to jail property, with penalty provisions.

SB 792--By Westfall.

An Act to repeal section 301.330, RSMo 1994, relating to the display of information on commercial motor vehicles, and to enact one new section relating to the same subject.

SB 793--By Scott and Wiggins.

An Act to repeal sections 313.540 and 313.660, RSMo 1994, relating to off-track pari-mutuel wagering, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

SB 794--By McKenna.

An Act to repeal sections 313.540 and 313.660, RSMo 1994, relating to off-track pari-mutuel wagering, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 503**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SS** for **SB 503**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 503

An Act to repeal sections 304.009 and 304.010, RSMo Supp. 1995, relating to speed limits for motor vehicles, and to enact in lieu thereof two new sections relating to the same subject.

Senator Caskey moved that **SS** for **SB 503** be adopted.

Senator Staples requested a roll call vote be taken and was joined in his request by Senators Bentley, Goode, Howard and Mueller.

At the request of Senator Staples, **SB 503**, with **SS** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 795--By Maxwell.

An Act to repeal sections 151.150, 163.011, 163.021 and 163.031, RSMo 1994, relating to state aid for public schools, and to enact in lieu thereof four new sections relating to the same subject.

SB 796--By Flotron.

An Act to repeal section 103.083, RSMo 1994, relating to the health plan for state employees, and to enact in lieu thereof one new section relating to the same subject.

SB 797--By Flotron and Westfall.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health benefit plans.

SB 798--By Flotron.

An Act to amend chapter 160, RSMo, by enacting eight new sections relating to education.

SB 799--By Clay and Schneider.

An Act to repeal section 36.150, RSMo 1994, relating to certain political activities, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 3**.

HOUSE CONCURRENT RESOLUTION NO. 3

BE IT RESOLVED, by the House of Representatives of the Eighty-Eighth General Assembly, Second Regular Session of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 17, 1996, to receive a message from His Excellency, the Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) from the House be appointed by the Speaker to act with a committee of ten (10) from the Senate, appointed by the President Pro Tem, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and the Senate of the Eighty-Eighth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following Representatives to act with a committee of ten from the Senate to wait upon the Governor of the State of Missouri. Representatives: Klumb, Murray (69), Davis, Carter, Wiggins, Farnen, Evans, Brown, McClelland, Shields.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, Ilene Blondell, Columbia.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, January 17, 1996.

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY--WEDNESDAY, JANUARY 17, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Jesus said, "Whoever will be chief among you, let him be your servant." Lord, never let us forget that we are here to serve and not to be served, to give and not to get, not to be ministered to but to minister. We are thankful for every opportunity to serve. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 740, regarding Harold T. Ellinghouse, Piedmont, which was adopted.

Senator Schneider offered Senate Resolution No. 741, regarding William Kenneth Moore, Ferguson, which was

adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 742

WHEREAS, the members of the Missouri Senate welcome the opportunity to recognize an exceptionally dedicated leader who has played an important role in the life of his community for many years: Mr. Art McDonnell of Webster Groves, Missouri; and

WHEREAS, Art McDonnell, owner of McDonnell's Market Place in Kirkwood, has enjoyed the honor of being named the 1995 Business Person of the Year by the Kirkwood Area Chamber of Commerce; and

WHEREAS, this prestigious accolade recognizes Mr. McDonnell's longstanding commitment to providing quality, personalized service for the citizens of the Kirkwood community at McDonnell's Market Place, a family business which serves as a landmark to the rare kind of customer loyalty which spans generations; and

WHEREAS, Art McDonnell began working for his parents at McDonnell's Market Place at the age of twelve, and later began working full-time for his father after being discharged from the Coast Guard in 1964; and

WHEREAS, Art McDonnell has owned McDonnell's Market Place since purchasing it from his father in 1982, during which time he has faithfully maintained the proud tradition of service established by his parents while skillfully adjusting to many significant changes in the grocery service industry, including the growing trend toward superstores; and

WHEREAS, named Outstanding Independent Grocer in 1992 by Progressive Grocer, Art McDonnell tends his store for as many as eighty hours per week, and also finds time for community and professional service, having provided outstanding leadership in such positions as President of the Kirkwood Area Chamber of Commerce, President of the Metropolitan Retail Grocers Association and board member of the Missouri Grocers Association, Vice Chairman of the Kirkwood Architectural Review Board, and Deacon at the First Congregational Church of Webster Groves; and

WHEREAS, Art McDonnell has also selflessly devoted himself to the needs of his family, which includes his wife of many years, Barbara McDonnell, and his two sons, Peter and Alex:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in extending our warmest and most hearty congratulations to Art McDonnell at this proud moment of well-deserved recognition, and further extend to him our very best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. Art McDonnell, as a measure of our esteem for him.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **HCR 3** be taken up and adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Bentley

Clay

Ehlmann

House

Melton--5

Absent with leave--Senators--None

COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following committee pursuant to **HCR 3**: Senators Banks, Bentley, Clay, DePasco, Johnson, Maxwell, Sims, Treppner, Westfall and Wiggins.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 800--By Howard.

An Act to repeal sections 105.483 and 105.487, RSMo 1994, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

SB 801--By Johnson.

An Act to create chapter 324, RSMo, by enacting ten new sections relating to the regulation of the practice of dietetics, with penalty provisions.

SB 802--By Johnson and Russell.

An Act to amend chapter 105, RSMo, by adding one new section relating to benefits for public officers and employees.

SB 803--By Melton.

An Act to repeal section 536.024, RSMo Supp. 1995, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

SB 804--By Moseley.

An Act to repeal sections 288.050, 288.070, 288.100, 288.110, 288.113, 288.130, 288.140, 288.160, 288.190 and 288.200, RSMo 1994, and sections 288.030, 288.036, RSMo Supp. 1995, relating to streamlining of employment security programs and services, and to enact twelve new sections relating to the same subject, with a delayed effective date for a certain section.

SB 805--By Curls.

An Act to repeal section 640.220, RSMo 1994, relating to scholarships to increase minority student enrollment in environmentally related courses of study, and to enact in lieu thereof two new sections relating to the same subject.

SB 806--By Kinder.

An Act to repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 795--Education.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 629**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Banks moved that the Senate recess to repair to the House of Representatives to receive the State of the State address from His Excellency, Governor Mel Carnahan, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Wilson.

On roll call the following Senators were present:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

On roll call the following Representatives were present:

Present Representatives

Akin	Alter	Backer	Ballard
Barnett (4)	Bartelsmeyer	Bennett (15)	Boatright
Bonner	Boucher	Bray	Broach
Brown	Burton	Canuteson	Carter
Champion	Childers	Chrismer	Cierpiot
Clayton	Cooper	Crump (152)	Daniel (42)
Daniels (41)	Davis	Days	Dougherty
Edwards	Elliott	Enz	Evans

Farmer	Farnen	Fiebelman	Fitzwater
Foley	Ford	Foster	Franklin
Froelker	Garnett	Gaskill	Gibbons
Graham	Gratz	Green	Griesheimer
Gross	Gunn	Hagan-Harrell	Hall
Hand	Harlan	Hartzler (123)	Hartzler (124)
Hegeman	Hendrickson	Hohulin	Hoppe
Hosmer	Howerton	Kasten	Kauffman
Keeven	Kelley (47)	Kelly (27)	Kissel
Klumb	Koller	Kreider	Lakin
Leake	Legan	Levin	Liese
Linton	Lograsso	Long	Loudon
Luetkenhaus	Lumpe	Marshall (26)	Marshall (133)
May (108)	Mays (50)	McBride	McClelland
McLuckie	Mitchell	Montgomery	Morgan
Murphy	Murray (69)	Murray (135)	Naeger
Nordwald	O'Connor	O'Neill	Oetting
Ostmann	Overschmidt	Pauley	Pouche
Prost	Pryor	Reynolds	Ribauda
Ridgeway	Rizzo	Robirds	Ross
Sallee	Scheve	Schilling	Schwab
Scott	Sears (1)	Secrest	Shear (83)
Sheldon(104)	Shelton (57)	Shields	Skaggs
Smith	Sombart	Steen	Stokan
Summers	Surface	Thomason(163)	Thompson (37)
Troupe	VanZandt	Vogel	Wannenmacher
Whiteside	Wieland	Wiggins	Williams (121)
Williams (159)	Witt	Wooten	Mr. Speaker 144
Absent and Absent with Leave Representatives			
Auer	Barnes	Bland	Copeland
Crum (112)	Donovan	Goward	Griffin
Heckemeyer	Hickey	Jacob	Marble
O'Toole	Richardson	Stoll	Tate
Treadway	Ward 18		
	Vacancies 1		

The Joint Committee appointed to wait upon His Excellency, Governor Mel Carnahan, escorted the Governor to the dais where he delivered the State of the State Address to the Joint Assembly:

STATE OF THE STATE ADDRESS

Mr. President, Mr. Speaker, Mr. President Pro Tem, distinguished state officials, members of the 88th General Assembly, and citizens of

Missouri:

I appreciate the opportunity to appear before you today.

One of the greatest rewards of being governor is meeting so many remarkable people who share their dreams with you.

As you know, I particularly enjoy meeting young people because of their boundless energy and enthusiasm, and their refreshing views on life.

Last June, I received a very special letter from one young person inviting me to "do" lunch.

I say this invitation was very special because this wasn't just any lunch.

This was a lunch to celebrate Kendra Davis's tenth birthday, and Kendra -- who lives in Osage Beach -- wanted to have lunch with me in my office.

She even wrote that if I agreed, then I would be "extra excellent."

How could I refuse her request ... and this chance to be "extra excellent?"

So Kendra and I had her birthday celebration in my office.

We had chicken fingers, soda, and, of course, a chocolate cake with candles.

I had looked forward to visiting with Kendra and expected a conversation about school, her friends, and maybe her favorite games or television shows.

Well, I was certainly mistaken.

Kendra opened the conversation by asking me my views on Bosnia and smoking.

We discussed the quality of education, the future of our state and nation, and even the quality of our roads.

At ten years of age, Kendra Davis was already focused on the future...not just her future, but our future.

She believes that she can make a difference in this world, and she is expecting us to make a difference as well.

Kendra and her family are here today, sitting with my wife Jean.

I asked her to come, because -- at least to me -- she serves as a wonderful reminder of the most important reason we are here: to make Missouri a safer and better place for our most precious resource--our children and grandchildren...the youngest citizens of Missouri.

You can bet she's going to hold us accountable.

Kendra's counting on us...to do the right thing for Missouri.

And so are all the other young people of our state.

They are watching to make sure we do what we were sent here to accomplish... to keep Missourians safe from crime, to make sure our schools offer a quality education, and to make certain there are enough good jobs to provide our families with a reasonable level of financial security.

So let us take this opportunity to review how far we have come and where we need to go.

Many good things are happening in Missouri, but there are also some areas where we still have improvements to make.

CRIME

Probably the most serious threat to providing the quality of life we want for all Missourians is violent crime.

Our homes, our neighborhoods, our businesses, and our schools will never breathe freely as long as they are constricted by fear.

As long as I am governor, we will not be content until our students can go to school unafraid.

We will not rest until our children can play in their neighborhoods without the threat of violence.

And we will not stop until our citizens can live and work without fear.

Over the past three years, we have passed some of the toughest anti-crime laws in the country.

We passed one of the nation's toughest "truth in sentencing" laws.

Now, dangerous and violent criminals must serve at least 85 percent of their sentences behind bars--far more than they were serving before this change.

I don't know if you noticed, but a story ran in the St. Louis Post-Dispatch several weeks ago about a man named Edward Post who killed his wife in 1986 and finally pleaded guilty to second degree murder.

The story went on to say that Post will be eligible for parole in 1999, after serving just ten years of a 30 year sentence.

I---along with many other Missourians--was outraged.

Ten years for someone who murdered his wife is not enough.

And serving just one-third of his sentence for murder does not serve the interests of justice.

But since Post committed his crime in 1986, his case fell under the old law which allowed such lenient treatment for murder.

This injustice won't happen again under our new sentencing law.

If Post had committed his crime today and received a 30 year sentence, he would not be eligible for parole under any circumstances until he had at least served 25 years and six months of his 30 year sentence behind bars.

Ten years is definitely too short a sentence -- 25 years before parole can even be considered is a step in the right direction.

To combat the increasing occurrence of juvenile violence, we have overhauled our juvenile crime law to hold these young offenders accountable for their actions.

Dangerous juveniles no longer have a "Get Out Of Jail Free" card in Missouri when they turn 18.

Now the most dangerous and violent juvenile offenders can be tried as adults and sent to prison (even for life, if that's appropriate) instead of being returned to the streets where they can strike again.

We have expanded the number of law enforcement officers on duty and given them the newest and most sophisticated tools to bring criminals to justice.

We've given prosecutors tough new tools to get convictions against child molesters and rapists.

We have increased the number of prison cells to ensure that violent criminals serve their time.

And we have set things straight on how criminals will spend their time in prison.

Under our new laws, all inmates must work, get a basic education, and get treatment.

We're not going to let them sit idly in their cells.

They're going to use their time working and developing job skills.

These changes are real, and they're needed.

But the war against crime continues to rage on, and so this year I am proposing an arsenal of new weapons against violent crime.

Regrettably, one of the battle zones in this war is our schools.

Too many classrooms are caught in the crossfire.

We can't expect our students and our teachers to be able to focus fully on reading, or writing, or math, when, by necessity, their greatest concern must be on protecting themselves against the possibility of violence.

Too many of our students and teachers must step into a combat zone of guns, gangs, and drugs whenever they enter the classroom.

We're not going to tolerate violent and disruptive students -- period.

The Safe Schools initiative I have recently announced will give our schools the force of law and the resources they need to make our schools

safer for students who are serious about getting an education.

Among these important changes, we will guarantee schools the access to juvenile records of students who have broken the law.

We will require that disciplinary records for violent students follow them if they change schools.

And my plan also includes helping school districts establish alternative schools for violent, abusive, and disruptive students.

These alternative schools will make our regular classrooms a safer and better learning environment.

And it also ensures that these troubled youth will get the help they need.

This alternative education will provide these dangerous and abusive young people with the educational, social, and behavioral skills necessary to turn their lives around.

An even more deplorable situation than being threatened at school is being threatened at home.

Countless cases of domestic violence against spouses and children go unreported each year because the victims believe they have no place to go and no one to turn to.

This year, I am calling for increased support for domestic violence shelters and other help for domestic violence victims.

These victims need our help to escape from this horrible abuse.

And I am proposing tough new sentencing and lifetime supervision requirements for sexual predators, who rob their victims of their self respect.

My proposal eliminates the possibility of probation for dangerous sexual offenders.

And it requires that, if and when a sexual predator does get out of prison, he will be kept under supervision for the rest of his life.

This will allow us to return him to prison at any time if he commits another crime or violates the conditions of his release.

In addition, I am proposing legislation that will allow judges and juries to give life imprisonment to those convicted of child abuse when the result of that abuse is the death of the child.

Missouri is drawing the line on violent crime, and the message from this building today is that anyone who dares to cross that line better be prepared to pay and pay dearly.

CHILD HEALTH CARE

Another challenge before us is to improve our children's health.

Despite recent efforts, Missouri ranks 49th in the nation in childhood immunization rates.

This is not acceptable.

Immunizations are the most powerful and cost-effective way to prevent nine infectious diseases in children, including polio and measles.

Not only do children and their families benefit from these voluntary immunizations, everyone benefits by avoiding the cost of treating these preventable diseases.

Our failure to achieve adequate immunization rates is not simply an embarrassment for Missouri; it jeopardizes the health and lives of our children.

To address this critical problem, I am directing the Missouri Department of Health to implement a plan that will make it easier for all families to have their children immunized.

The plan sets a goal of having 90% of the two-year-olds in Missouri fully immunized by September 1997.

To reach this goal, I am calling for legislation that will allow parents to authorize grandparents, adult siblings, or other designated individuals to take children to be vaccinated.

And I am calling for legislation requiring that all health insurance plans that provide coverage to children include childhood immunizations without requiring the family to pay deductibles or co-payments.

Quite simply, good preventive health care makes good sense, and voluntary immunizations are an integral part of that good, preventive

treatment.

Another highly effective way to help safeguard the health of our children is to expand the availability of school nurses.

My budget proposal increases grants to local schools for basic health services and screenings.

With the addition of these grants and other related state initiatives, every school district will be able to have a school nurse or other necessary health services for its students.

HELPING CHILDREN

The school nurse program and childhood immunizations are just two examples of the ways our children are counting on us to help them get off to a good start, particularly in the areas of health, mental health, and protection from abuse.

This budget accepts that challenge by providing help for some of the state's most vulnerable children.

This budget provides funds for more foster care placements for abused and neglected children.

It expands the number of child advocacy centers that serve as safe havens and assessment centers for abused children, establishing new centers in Springfield, Columbia, and Southeast Missouri.

And it provides additional residential placements for severely disturbed children and respite support for families shouldering the care of mentally ill children.

EDUCATION

And now, I would like to turn to a subject that is a recurring theme in my administration -- the education of our young people.

Our young people are counting on us to provide them with a quality education.

Together, we have laid the foundation for schools that will prepare our students for the next century.

With the education reforms we initiated three years ago, we are doing a better job of giving students the education and training they need to be ready to compete in the 21st century.

As you travel around Missouri, you can already see tangible improvements in our classrooms -- smaller class sizes for our first, second, and third graders; more computers; and up-to-date vocational education.

Through increased funding of our Parents As Teachers Program, early childhood education is now available to over 160,000 Missouri families.

This year we will achieve full funding of the new, more equitable school foundation formula.

The dollars needed to reach full funding are made possible in part by the savings we achieved in the Kansas City desegregation case -- the first reduction in the on-going costs of desegregation in Missouri history.

For the first time, desegregation savings are being deposited into the school foundation formula and distributed to schools all across Missouri.

Our young people need to be ready for the new information economy of the next century.

This year, I am proposing another initiative to help our schools use the latest technology to improve learning.

My budget includes a \$20 million investment to help schools acquire computers and new information technologies.

Schools will be able to link up to the information superhighway and enhance interactive instruction.

These funds will be available on a matching basis to help accelerate the placement of computer technology in our schools.

Let's face it, if our children do not leave school computer literate, then their opportunities for good jobs and good careers in the years ahead will be greatly diminished.

HIGHER EDUCATION

We must not underestimate the importance of higher education to our economic growth.

The need for higher education has increased dramatically as the economy switches from an industrial base to an information base.

My budget provides a sizable investment to ensure our colleges and universities graduate well-prepared students who will be successful in the global economy.

It gives increased support to Missouri's community colleges which are providing education and customized training.

Community colleges give our students the skills necessary for high paying jobs or the coursework credits to transfer to four-year institutions.

And my budget provides increases in on-going support for our public four-year colleges and universities, and added one-time dollars for significant capital improvements.

In addition to their immediate contributions to Missouri's work force and economy, our universities are important research institutions.

I am recommending additional one-time state funds to be matched with private and University of Missouri funds for the University's Endowed Chairs program.

Since we began this partnership with the University, 16 professorships and seven endowed chairs have been established.

These endowed chairs help Missouri recruit outstanding researchers and scholars to our campuses.

Finally, my higher education budget includes a fifteen percent increase in the Missouri Student Grant program and increases in other student financial aid programs.

We want to help Missouri families and students realize the dream, and the necessity, of gaining a higher education.

SENIOR CITIZENS

Our young people are certainly the hope of tomorrow, and we must help them get off to a good start.

But we also must not neglect those who have worked to make this state the great place we enjoy today.

I strongly believe the federal government must balance its budget.

But I am troubled by some of the proposals I have heard coming out of Washington, especially those which adversely affect our senior citizens.

In Missouri, we must remain committed to helping our senior citizens live with dignity.

This year, I am proposing an initiative designed to help Missouri's seniors remain healthy and independent.

First, I am renewing my call for a tax cut for families which shoulder the cost of caring for an elderly parent.

Specifically, I propose increasing the exemption for dependents over the age of 65 from \$400 to \$2,000.

This is modest tax relief, but those caring for elderly parents need it and deserve it.

Secondly, I am proposing to expand proven, cost-effective services that help senior citizens remain in their homes and communities instead of having to move to more costly nursing homes.

These include:

---training and respite services for family members and others who provide care to seniors;

---crisis prevention services that help seniors avoid the necessity of entering a nursing home due to unforeseen, one-time circumstances;

---and meals on wheels, which has permitted so many senior citizens to continue living independently in their homes.

This new assistance for Missouri's senior citizens is not just good for seniors; it makes good economic sense for Missouri taxpayers as well.

Our seniors have given each of us -- individually and as a society -- more than we can ever repay.

So, as Washington considers what its commitment to the elderly will be, I want them to know that Missouri's commitment will remain strong.

STRONG ECONOMY

Our commitment to jobs and economic growth must also remain strong.

When I first assumed office, our economy was not living up to its expectations.

Today, we are outpacing the nation.

In the past year alone, the number of jobs in Missouri has grown 4.6 percent --compared to just 1.4 percent for the nation.

And, over 230 companies either located or expanded operations here last year alone, pumping more than one billion dollars in new investments into our state.

Overall, we gained about 112,000 new jobs during our last budget year.

As a result, Missouri's current unemployment rate is lower today than at any time during the past twenty years.

It stands at just 3.2 percent -- much lower than the national rate.

And growth in personal income for Missourians is far surpassing the nation.

It seems clear that Missouri has indeed become a good place to do business and a good place to earn a living.

While this is good news for most of us, we must remember there are still Missourians out there who can't find work.

We must continue this progress, create more good jobs, and invest in training so that everyone who wants to work can find a job in Missouri.

If our strong economy is to continue, we must pay particular attention to our transportation needs.

After all, Missouri lies at the heart of this nation's commerce.

Our road, port, airport, rail, urban, and rural transit systems are vital parts of our commerce and every day life.

We are already a huge exporter and the starting point for billions of dollars in international trade.

Our favorable geographic location gives us a tremendous economic edge.

We have a good start on placing each piece of the transportation puzzle together.

But it is essential that we develop an effective, well-planned strategy to make the most of our transportation resources, ensure that they are coordinated, and identify any improvements that need to be made.

That is why I will be appointing a special Total Transportation Commission with representation from across the state.

This commission will evaluate our transportation needs and examine how our sources of transportation should be integrated as well as how our transportation financial resources should be distributed over the next decade.

FISCAL RESPONSIBILITY AND TAX CUTS

One reason for our economic success has been our tradition of fiscal responsibility.

This year, we should be proud that Financial World, one of the nation's most-respected business publications, ranked Missouri as the third best managed state in the nation.

Financial World cited our "excellent long-range planning," our "conservative accounting and budgeting," and our "results-oriented approach" as reasons for awarding Missouri this honor.

The publication also praised our innovative budget process, which demands that each year, we go back and review previous spending to determine which programs work and which should be cut.

This year, after extensive and painstaking review, I am calling for cuts totaling over 60 million dollars.

Since becoming governor in 1993, I have proposed cutting over 275 million dollars in unnecessary spending and have redirected those funds toward high priority areas such as education and fighting crime.

And for the second year in a row, my budget includes a reduction in the total number of state employees.

This reduction is made possible by increasing productivity through investments in technology and by privatizing some government functions.

Financial World is right.

When it comes to fiscal responsibility, Missouri is among the nation's leaders.

We have very low debt -- and we will pay off some of the debt we do have with this budget.

We have a Triple-A bond rating from all three major rating agencies.

We have lower state taxes than at least 44 other states.

And now, we are preparing to give Missourians a much greater voice in future tax decisions.

With your approval, I have put on the ballot this coming April, the tax limitation amendment proposed jointly by my office and the Missouri Farm Bureau.

Our proposed amendment will keep taxes down by requiring that all major tax increases be submitted to a vote of the people.

I encourage you once more to actively support this simple and common-sense tax limitation plan.

It will give Missourians the final say on all major tax decisions.

When you combine the strength of Missouri's economy, our dedication to fiscal responsibility, and our commitment to innovation, we get a recipe for some powerful results.

For example, over the past three years, we have concentrated a great deal of effort on reforming welfare in Missouri.

We've overhauled the program and made innovative changes to help welfare recipients get off welfare, move into private sector jobs, and become self-sufficient.

As a result of our welfare reform initiatives and our strong economy, the number of people on AFDC, the state's major welfare program, has declined by about 26,000 over the past two years.

This is real reform and real progress which will pay long-term dividends for Missouri families and taxpayers.

And now, our recipe for success is making it possible for us to cut taxes.

I am proposing a permanent quarter-cent cut in Missouri's sales tax -- the first sales tax cut in the history of the state.

In addition to this sales tax cut, there will also be a tax refund for 1996.

This is over and above the tax refund I announced in 1995.

The combination of Missouri's strong economic growth and our commitment to fiscal responsibility make these tax cuts affordable, and in fact, necessary to meet our responsibilities under Missouri's revenue limit.

PAY PLAN

To deliver high quality services to taxpayers, the state must be able to compete for qualified and efficient employees.

However, state employee salaries have not kept pace with inflation and remain on the average 20 percent below market rates for comparable jobs.

This wide disparity between our pay scale and the private sector pay scale continues to make it difficult for our state to recruit and retain qualified employees in many job classes.

To help remedy this problem and assist state employees in keeping up with inflation, I am proposing a salary increase of two percent for state employees plus marketplace salary increases for successful employees as recommended by the Commission on Management and Productivity.

Under my proposal, state employees will receive an average increase of 5.8 percent.

FEDERAL BUDGET CUT PREPARATION

As we all know, the best laid plans may be affected by decisions made a thousand miles away in Washington.

No state in the Union will be able to address all the unmet needs, if the more radical Congressional budget plans are implemented over the next months and years.

We continue to wait for Washington to make decisions which will have a great impact here in Missouri.

We do not know the outcome of those decisions yet, but there are some prudent steps which we can and must take to prepare for the dramatic changes in federal fiscal policy that may soon unfold.

To help us meet the challenges ahead, I will appoint a commission to help us assess the effect of these impending changes.

This commission will obtain vital input from our local communities, citizens, and Missouri businesses.

It will develop policy options and make recommendations to us about how state government can best restructure to meet the challenges and take advantage of any opportunities coming from Washington.

Second, we will build a substantial reserve in the rainy day fund.

My recommendations include increasing this fund to 115 million dollars, or about two and one-half percent of general revenue collections.

The rainy day fund will give us the flexibility to deal effectively with the economic effects of federal policy changes.

Third, I propose increasing the reserve funds we count on to deal with emergencies, federal contingencies, and economic downturns.

Next, we must continue to keep Missouri a low debt state.

This year, we will use significant one-time resources to retire high-interest state debt.

This action will save Missouri taxpayers tens of millions in long-term interest costs.

All of these steps are essential if we are to be ready for the changes that are coming from Washington.

I'd like to point out that Washington could learn a lesson from the Missouri General Assembly in responsible budgeting.

Under the capable leadership of Senator Lybyer and Representative Lumpe, you pass responsible balanced budgets, and you pass them on time.

CONCLUSION

I know I have placed a lot on your plate.

But working together we have been able to accomplish a lot during the past three years -- and we can do it again.

I also know that each of you in this body -- Democrat and Republican, rural and urban, young and old--share a common goal, if not always a common path.

That goal is our state motto --"Let the welfare of the people be the supreme law."

This is the cause that bonds us together, and the one that I hope will direct our course during the months ahead.

Missouri has energy, talent, and an innovative spirit that we haven't even begun to tap.

Let's use them now to build a Missouri legacy that Kendra Davis and all the other children of this state will be proud to inherit.

Kendra, I promise you we will do our best to live up to your expectations.

We want Missouri to continue to be a state where you, like thousands of other young Missourians, can stay healthy, get a good education, find a good job, and some day, if you choose, raise a family of your own.

On motion of Senator Banks, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Wiggins.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Dick Fleming, and members of RCGA, St. Louis.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, January 18, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY--THURSDAY, JANUARY 18, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we get involved in big issues that are important to all people and we seek Your help in doing the right thing; but sometimes we need Your help with special problems of the day. Our prayer today is for driving safety for everyone on the road today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Absent with leave--Senators

Curls	Graves	Johnson	Scott--4
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 743, regarding Jarrett Cook, Seneca High School, which was adopted.

Senator Singleton offered Senate Resolution No. 744, regarding Chris Yust, Seneca High School, which was adopted.

Senator Singleton offered Senate Resolution No. 745, regarding Zach Hopper, Seneca High School, which was adopted.

Senator Singleton offered Senate Resolution No. 746, regarding Mark Hodge, Seneca High School, which was adopted.

Senator Singleton offered Senate Resolution No. 747, regarding Brandon Neal, Seneca High School, which was adopted.

Senator Maxwell offered Senate Resolution No. 748, regarding Rosemary Taylor, which was adopted.

Senator Maxwell offered Senate Resolution No. 749, regarding Barbara Weber, which was adopted.

Senator Howard offered Senate Resolution No. 750, regarding the Dexter Memorial Hospital Auxiliary, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 807--By House.

An Act to repeal section 386.200, RSMo 1994, relating to the public service commission, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 808--By House, Wiggins, Rohrbach, Klarich and Flotron.

An Act to amend chapter 538, RSMo, by adding two new sections relating to tort actions based on improper health care.

SB 809--By Mathewson, Flotron and Moseley.

An Act to repeal section 172.070, RSMo 1994, relating to curators' attendance at board meetings, and to enact in lieu thereof one new section relating to the same subject.

SB 810--By Johnson and Bentley.

An Act to repeal section 226.030, RSMo 1994, relating to the highways and transportation commission, and to enact in lieu thereof one new section relating to the same subject.

SB 811--By Goode.

An Act to repeal section 80.110, RSMo 1994, relating to the adoption of ordinances in villages, and to enact one new section relating to the same subject.

SB 812--By Goode.

An Act to repeal section 334.040 as enacted by house bill no. 564 in the eighty-seventh general assembly and section 334.040 as enacted by house bill no. 590 in the eighty-seventh general assembly and section 334.043, RSMo 1994, relating to physicians and surgeons, and to enact in lieu thereof two new sections relating to the same subject.

SB 813--By McKenna.

An Act relating to wholesalers and brewers of beer.

SB 814--By McKenna.

An Act to repeal section 311.070, RSMo Supp. 1995, relating to intoxicating beverages, and to enact in lieu thereof one new section relating to the same subject.

SB 815--By McKenna, Banks and Graves.

An Act to repeal section 334.500, RSMo Supp. 1995, relating to certain professions licensed or regulated by the board of registration for the healing arts, and to enact in lieu thereof nine new sections relating to the same subject.

SB 816--By Howard.

An Act to repeal section 337.045, RSMo 1994, and section 337.020, RSMo Supp. 1995, and to enact in lieu thereof two new sections relating to the practice of psychology.

REPORTS OF STANDING COMMITTEES

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 687**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jerry W. Divin, Lowell F. Mohler and M. Sean McGinnis, as members of the State Fair Commission;

Also,

H. Mark Preyer and Edward D. Douglas, as members of the State Highway and Transportation Commission;

Also,

F. Ula Williams, Jean Galloway and Stephen H. Hamerdinger, as members of the Board of Certification of Interpreters;

Also,

Richard L. Berkley, as a member of the Jackson County Sports Complex Authority;

Also,

Rice P. "Pete" Burns, Jr., as a member of the State Board of Education;

Also,

Mary Hass Kimberling, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Gale Lee Hackman and Kenny H. Degraffenreid, as members of the State Milk Board;

Also,

William D. Hunter, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Roger D. Shaw, Jr., as a member of the Missouri Veterinary Medical Board;

Also,

Alphonso Jackson, as a member of the Northeast Missouri State University Board of Governors;

Also,

Gerald P. Greiman and Lawrence C. George, as members of the Missouri Commission on Human Rights;

Also,

Ben L. Kessler, as a member of the Hazardous Waste Management Commission of the State of Missouri;

Also,

Richard C. Goldberg, as a member of the Children's Trust Fund Board;

Also,

James S. Whitfield, as a member of the Missouri Veterans Commission;

Also,

William Randal Herzog and Ronald J. Stites, as members of the Conservation Commission;

Also,

John W. Siscel, III, as a member of the Harris Stowe State College Board of Regents;

Also,

Frank H. Strong, Jr., as a member of the Board of Regents for Northwest Missouri State University;

Also,

John W. Kimmons, Jr., A. James Proffitt, Judith A. Weaver and Jackie Lee (Baker) Herndon, as members of the Missouri Health Facilities Review Committee;

Also,

William B. "Skip" Rich, II, as a member of the Missouri Public Entity Risk Management Board of Trustees.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, January 22, 1996.

Journal of the Senate

ECOND REGULAR SESSION

ELEVENTH DAY--MONDAY, JANUARY 22, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

Senator Melton offered the following prayer:

Oh Lord, our God, You have admonished us to ask, and it will be given, to seek and we will find, to knock and the door will be opened. Keep us ever mindful of the power of prayer. We pray You will keep our minds centered on the task we have been assigned, and direct our actions as we perform the work we have been sent here to do. Continue to use Your divine presence, protection and blessing. These favors we ask in Your name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 18, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Treppler	Westfall

Wiggins--29

Absent with leave--Senators

Bentley	Clay	Schneider	Scott
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Staples--5

The Lieutenant Governor was present.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 751, regarding Trinity Lutheran Church, Cole Camp, which was adopted.

Senator Quick offered Senate Resolution No. 752, regarding Anita B. Gorman, Kansas City, which was adopted.

Senator Russell and Senator Westfall offered Senate Resolution No. 753, regarding the death of Frank Salle, Jr., Camdenton, which was adopted.

Senator Kenney offered Senate Resolution No. 754, regarding the Blue Springs South Jaguar Pride Marching Band, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 817--By Wiggins.

An Act to repeal sections 144.020, 144.021 and 144.440, RSMo 1994, relating to the state sales and use tax rates, and to enact three new sections relating to the same subject, with an emergency clause.

SB 818--By Wiggins.

An Act to repeal section 70.500, RSMo Supp. 1995, relating to the Kansas and Missouri Metropolitan Culture District Compact, and to enact one new section relating to the same subject, with an emergency clause.

SB 819--By Melton.

An Act to repeal section 306.110, RSMo 1994, relating to watercraft, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 820--By Mathewson.

An Act to amend chapter 64, RSMo, by adding one new section relating to nuisances.

SB 821--By Scott.

An Act to repeal section 523.040, RSMo 1994, relating to condemnation proceedings, and to enact one new section relating to the same subject.

SB 822--By Scott.

An Act to repeal sections 169.070 and 169.670, RSMo Supp. 1995, relating to certain teacher and nonteacher retirement benefits, and to enact in lieu thereof two new sections relating to the same subject.

SB 823--By Mueller and Flotron.

An Act to repeal section 144.030, RSMo Supp. 1995, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

SB 824--By House.

An Act to repeal section 375.775, RSMo 1994, relating to the Missouri property and casualty insurance guaranty association, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 671** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 671** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 521**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 521, Page 1, Section 274.220, Line 3, by striking the word "entity" and inserting in lieu thereof the following: "**business entity; provided, however, that the association must have at least a fifty-one percent ownership interest in such other business entity**"; and

Further amend said bill, page 2, section 274.230, line 4, by inserting immediately before the word "entity" the word "**business**".

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 740--Interstate Cooperation.

SB 742--Insurance and Housing.

SB 743--Insurance and Housing.

SB 744--Insurance and Housing.

SB 745--Insurance and Housing.

SB 746--Labor and Industrial Relations.

SB 747--Agriculture and Local Government.

SB 748--Public Health and Welfare.

SB 749--Insurance and Housing.

SB 750--Insurance and Housing.

SB 751--Aging, Families and Mental Health.

SB 752--Ways and Means.

SB 753--Civil and Criminal Jurisprudence.

SB 754--Insurance and Housing.

SB 755--Commerce and Environment.

SB 756--Civil and Criminal Jurisprudence.

SB 757--Appropriations.

SB 758--Insurance and Housing.

SB 759--Insurance and Housing.

SB 760--Agriculture and Local Government.

SB 761--Agriculture and Local Government.

SB 762--Commerce and Environment.

SB 763--Public Health and Welfare.

SB 764--Public Health and Welfare.

SB 765--Financial and Governmental Operations.

SB 766--Agriculture and Local Government.

SB 767--Public Health and Welfare.

SB 768--Aging, Families and Mental Health.

SB 769--Civil and Criminal Jurisprudence.

SB 770--Ways and Means.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 825--By Treppler.

An Act to repeal section 171.031, RSMo 1994, relating to school operations, and to enact in lieu thereof one new section relating to the same subject.

SB 826--By Treppler.

An Act to repeal section 319.200, as enacted by senate committee substitute for house committee substitute for house bills nos. 1434 and 1490 of the second regular session of the eighty- sixth general assembly and signed by the governor on July 9, 1992, and section 319.200, as enacted by senate substitute for house substitute for house bill no. 1574 of the second regular session of the eighty-sixth general assembly and signed by the governor on July 6, 1992, as both sections appear in RSMo 1994, relating to seismic construction and renovation ordinances, and to enact in lieu thereof one new section relating to the same subject.

SB 827--By Klarich.

An Act to amend chapter 197, RSMo, by adding one new section relating to the regulation of abortion clinics.

SB 828--By Kinder.

An Act to repeal section 319.131, RSMo Supp. 1995, relating to the underground storage tank insurance fund, and to enact one new section relating to the same subject.

SB 829--By Kinder, Flotron, Kenney, Rohrbach, Russell, Westfall and Graves.

An Act to repeal sections 287.020, 287.030, 287.040, 287.061, 287.067, 287.120, 287.128, 287.129, 287.135, 287.140, 287.150, 287.160, 287.170, 287.190, 287.200, 287.203, 287.210, 287.215, 287.220, 287.240, 287.250, 287.260, 287.266, 287.380, 287.390, 287.420, 287.430, 287.460, 287.480, 287.550, 287.655, and 287.800, RSMo 1994, and section 287.650, RSMo Supp. 1995, relating to workers' compensation and to enact in lieu thereof thirty-seven new sections relating to the same subject, with an expiration date for certain sections.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Paul Lineberry, 3624 Southland Drive, Columbia, Boone County, Missouri 65201, as the Public Member of the State Board of Nursing, for a term ending February 1, 1999, and until his successor is duly appointed and qualified; vice, Richard English, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy (Dottie) Ann Phelps, Democrat, 605 Felix Boulevard, Malden, New Madrid County, Missouri 63863, as the Public Member of the Real Estate Appraisers Commission, for a term ending September 12, 1996, and until her successor is duly appointed and qualified; vice, Charles Cowherd, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda Blake, Republican, 17 S. Jackson, Farmington, St. Francois County, Missouri 63640, as a member of the Real Estate Appraisers Commission, for a term ending September 12, 1997, and until her successor is duly appointed and qualified; vice, G. Eric Roberts, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth Leslie Bradshaw, DPM, Republican, 350 N.W. 61, Clinton, Henry County, Missouri 64735, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles Richard Gulick, M.D., Republican, 22 Upper LaDue Road, St. Louis, St. Louis County, Missouri 63124, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 1999, and until his successor is duly appointed and qualified; vice, August W. Geise, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Mary Marjorie Hughes, Route 2 Box 126, Higginsville, Lafayette County, Missouri 64037, as the public member for the State Board of Podiatric Medicine, for a term ending August 16, 1998, and until her successor is duly appointed and qualified; vice, Richard Gilbert, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carl M. Myers, M.D., F.A.A.F.P., Democrat, 8236 NW Waukomis Drive, Kansas City, Platte County, Missouri 64151, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 1999, and until his successor is duly appointed and qualified; vice, Marcus McCorcle, M.D., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 19, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barry Dean Spoon, D.O., FACEP, Republican, 2304 North Farm Road 97, Springfield, Greene County, Missouri 65802, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 1999, and until his successor is duly appointed and qualified; vice, David Bean, D.O., term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, his mother-in-law, Virginia Head, Novelty.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Randall Treadway, M.D., Chesterfield.

Senator Treppler introduced to the Senate, Mrs. Debbie Nalley, and six Webelos from Wohlwend School, St. Louis; and Brad Akins, Adam Franke, Dave Graf, Stephen Lampe, Marc Nalley and Mike Sapolis were made honorary pages.

Senator Westfall introduced to the Senate, Mary Walker, Lee's Summit; Chuck Niemmo, Camdenton; and Pete Moca, Bolivar.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, January 23, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWELFTH DAY--TUESDAY, JANUARY 23, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Rev. J. Arnold Bickel offered the following prayer:

Our Lord and Our God, grant to the members and officers of this body a sacred moment as they take up the duties of this day. Grant Your blessing upon them as they feel the weight of responsibility and the need of Divine guidance. Bestow upon them the courage to do right as You have given them to see right, and make it clear to us all. In Jesus Name, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Bentley	Schneider--2
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RESOLUTIONS

Senator Mueller offered Senate Resolution No. 755, regarding the death of Robert George Reim, Sr., Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 756, regarding Mr. Francis M. "Bud" Barnes, III, Kirkwood, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 830--By Moseley.

An Act to repeal section 195.291, RSMo 1994, relating to prior and persistent drug offenders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 831--By McKenna, Clay, Banks and Maxwell.

An Act to repeal sections 407.925, 407.927, 407.929, 407.931 and 407.932, RSMo 1994, relating to sales of tobacco products, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

SB 832--By Quick.

An Act to amend chapter 316, RSMo, by adding nine new sections relating to amusement ride safety, with penalty provisions.

SB 833--By Rohrbach.

An Act to repeal sections 444.784 and 643.055, RSMo 1994, and sections 260.225, 260.370, 444.380 and 644.026, RSMo Supp. 1995, relating to environmental protection, and to enact in lieu thereof six new sections relating to the same subject.

SB 834--By Graves.

An Act to repeal sections 194.400 and 194.410, RSMo 1994, relating to unmarked human burial sites, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 671**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

At the request of Senator Goode, **SB 687** was placed on the Informal Calendar.

Senator Johnson moved that **SB 521**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion failed.

Senator Johnson and Senator Graves offered **SS** for **SB 521**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 521

An Act to repeal sections 274.030, 274.220 and 274.230, RSMo 1994, relating to cooperatives, and to enact four new sections relating to the same subject.

Senator Johnson moved that **SS** for **SB 521** be adopted.

Senator Maxwell offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 521, Page 2, Section 274.030, Line 7, by adding after the word "livestock" "[" and further amend said bill, said section, line 8, by adding after the word "contrary" "]".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SS** for **SB 521**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS** for **SB 521**, as amended, was declared perfected and ordered printed.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, Michelle Schaffner and her son Adam, Columbia; and Adam was made an honorary page.

Senator Singleton introduced to the Senate, Jake Griffin, Joplin.

Senator Quick introduced to the Senate, Commissioner James F. Ralls, Jr., President of the Kansas City Police Board.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, January 24, 1996.

Journal of the Senate

SECOND REGULAR SESSION

THIRTEENTH DAY--WEDNESDAY, JANUARY 24, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful to be living in such an exciting time. There are so many things for us to enjoy and new things to try. But with all that is new, we are most thankful for one another--for families, friends and co-workers and the contribution that is made by everyone we meet. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Bentley Scott--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator House and Senator Ehlmann offered Senate Resolution No. 757, regarding Glennon Bishop, St. Charles, which was adopted.

Senator House and Senator Ehlmann offered Senate Resolution No. 758, regarding Reid L. Bronson, St. Charles, which was adopted.

Senator House and Senator Ehlmann offered Senate Resolution No. 759, regarding Ben Blanton, St. Charles, which was adopted.

Senator House and Senator Ehlmann offered Senate Resolution No. 760, regarding Dee Pundmann, St. Charles, which was adopted.

Senator Schneider offered Senate Resolution No. 761, regarding Mary Brummel, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 762, regarding Linda Behlmann, Florissant, which was adopted.

Senator Mueller offered Senate Resolution No. 763, regarding the Kirkwood Area Chamber of Commerce, which was adopted.

Senator Mueller offered Senate Resolution No. 764, regarding Pat Pierce, Kirkwood, which was adopted.

Senator Mueller offered Senate Resolution No. 765, regarding Lera Crady, Kirkwood, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 835--By Klarich.

An Act to repeal sections 351.200, 351.245, 351.250, 351.265, 351.320, 351.478, 351.482, 351.483 and 351.488, RSMo Supp. 1995, relating to corporations, and to enact in lieu thereof nine new sections relating to the same subject.

SB 836--By Quick.

An Act to repeal sections 362.471, 427.041, 443.130, 456.500, 456.520 and 456.600, RSMo 1994, and section 361.160, RSMo Supp. 1995, relating to certain financial transactions, and to enact in lieu thereof twelve new sections relating to the same subject.

SB 837--By Mathewson.

An Act to repeal sections 2.080 and 2.091, RSMo 1994, relating to journals of the senate and the house of representatives, and to enact in lieu thereof two new sections relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 503**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 503** was again taken up.

At the request of Senator Caskey, **SS** for **SB 503** was withdrawn.

Senator Caskey offered **SS No. 2** for **SB 503**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 503

An Act to repeal sections 304.009 and 304.010, RSMo Supp. 1995, relating to speed limits for motor vehicles, and to

enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Senator Caskey moved that **SS No. 2** for **SB 503** be adopted.

Senator Quick assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 503, Page 2, Section 304.010, Line 18, of said page, by inserting immediately after the word "hour" the following: "**or in excess of sixty-five miles per hour on highways described in subdivision (1) of this subsection**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 503, Page 3, Section 304.010, Line 15 of said page, by inserting immediately after said line, the following:

"3. The department of highways and transportation may lower or raise a speed limit set in subsection 2 of this section for particular sections of state highways, but only after a lower or higher speed limit is indicated by an engineering study and after holding public hearings in the areas affected. No speed limit shall be changed under this subsection unless the particular section of highway is at least ten miles in length. Any changes made by the department under this subsection shall be promulgated by rule under section 536.024, RSMo, and in addition to the grounds for suspending a rule under that section the joint committee on administrative rules shall be able to suspend a rule on the ground that it is against public policy."; and

Further amend said section, by renumbering the remaining subsections accordingly.

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Staples, **SB 503**, with **SS No. 2** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 540**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF SENATE BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 838--By Schneider and DePasco.

An Act to repeal sections 301.550, 301.559, 407.810, 407.815, 407.825 and 407.830, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 839--By McKenna.

An Act to repeal sections 313.805, 313.812 and 313.817, RSMo 1994, relating to operation of excursion gambling boats, and to enact in lieu thereof three new sections relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 771--Civil and Criminal Jurisprudence.

SB 772--Public Health and Welfare.

SB 773--Financial and Governmental Operations.

SB 774--Judiciary.

SB 775--Conservation, Parks and Tourism.

SB 776--Public Health and Welfare.

SB 777--Judiciary.

SB 778--Education.

SB 779--Corrections and General Laws.

SB 780--Transportation.

SB 781--Civil and Criminal Jurisprudence.

SB 782--Conservation, Parks and Tourism.

SB 783--Labor and Industrial Relations.

SB 784--Civil and Criminal Jurisprudence.

SB 785--Public Health and Welfare.

SB 786--Education.

SB 787--Elections, Pensions and Veterans' Affairs.

SB 788--Commerce and Environment.

SB 789--Ways and Means.

SB 790--Public Health and Welfare.

SB 791--Civil and Criminal Jurisprudence.

SB 792--Transportation.

SB 793--Corrections and General Laws.

SB 794--Corrections and General Laws.

SB 796--Corrections and General Laws.

SB 797--Public Health and Welfare.

SB 798--Education.

SB 799--Elections, Pensions and Veterans' Affairs.

SB 800--Corrections and General Laws.

SB 801--Financial and Governmental Operations.

SB 802--Financial and Governmental Operations.

SB 803--Corrections and General Laws.

SB 804--Labor and Industrial Relations.

SB 805--Education.

SB 806--Agriculture and Local Government.

SB 807--Ethics.

SB 808--Public Health and Welfare.

SB 809--Education.

SB 810--Transportation.

SB 811--Agriculture and Local Government.

SB 812--Public Health and Welfare.

SB 813--Corrections and General Laws.

SB 814--Corrections and General Laws.

SB 815--Public Health and Welfare.

SB 816--Aging, Families and Mental Health.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, A. J. Campbell, M.D., Sedalia.

Senator Singleton introduced to the Senate, Mark Rakes and Mitch McCumber, Neosho.

Senator Russell introduced to the Senate, Vera Harrell, Lebanon.

Senator Rohrbach introduced to the Senate, Bill Deeken, Jefferson City.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, January 25, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY--THURSDAY, JANUARY 25, 1996

The Senate met pursuant to adjournment.

Senator Quick in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, James wrote, "Every good and perfect gift is from above." When we consider all of the blessings that we have and know that they come from above, we should always be in touch with our provider. We are thankful for the gifts, for the presence of the one who gives them and pray for Divine help to use our gifts to best advantage. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

Bentley	Curls	Scott--3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Treppler offered Senate Resolution No. 766, regarding James Kuba, Affton, which was adopted.

Senator Treppler offered Senate Resolution No. 767, regarding Roxann Schaefer, Affton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 521**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 18**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 840--By Howard and Rohrbach.

An Act to repeal section 144.010, RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to the sale of livestock, and to enact in lieu thereof two new sections relating to the sale of livestock.

SB 841--By Singleton.

An Act to repeal sections 630.115 and 630.192, RSMo 1994, relating to the department of mental health, and to enact three new sections relating to the same subject.

SB 842--By Flotron.

An Act to amend chapter 544, RSMo, by adding one new section relating to federal law enforcement officials.

SB 843--By Flotron and Lybyer.

An Act to repeal section 135.010, RSMo 1994, relating to property tax relief, and to enact one new section relating to the same subject.

SB 844--By Flotron.

An Act to repeal sections 287.020, 287.030, and 287.090, RSMo 1994, relating to employer and employee coverages and exemptions, and to enact in lieu thereof four new sections relating to the same subject.

SB 845--By Klarich.

An Act to repeal section 246.305, RSMo 1994, relating to certain levee districts, and to enact one new section relating to the same subject.

SB 846--By Treppler.

An Act to repeal section 620.455, RSMo 1994, relating to the tourism commission, and enacting in lieu thereof one new section relating to the same subject.

SB 847--By House.

An Act to repeal sections 143.781, 144.021 and 144.440, RSMo 1994, relating to taxation, and to enact five new

sections relating to the same subject, with an effective date.

SB 848--By Mueller.

An Act to repeal section 537.118, RSMo 1994, relating to civil liability of volunteers, and to enact in lieu thereof one new section relating to the same subject.

SB 849--By DePasco.

An Act to repeal section 311.333, RSMo 1994, relating to merchandising practices for certain alcoholic beverages, and to enact in lieu thereof one new section relating to the same subject.

SB 850--By DePasco.

An Act to repeal section 544.155, RSMo 1994, relating to peace officer arrest powers, and to enact in lieu thereof one new section relating to the same subject.

SB 851--By DePasco.

An Act to amend chapter 354, RSMo, by adding eight new sections relating to the restructuring or conversion of certain health care companies.

SJR 34--By Mueller and Flotron.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4(b) of article X of the constitution of Missouri relating to taxation, and adopting two new sections in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 629, introduced by Senator Caskey, entitled:

An Act to repeal section 544.665, RSMo 1994 and sections 304.009 and 304.010, RSMo Supp. 1995, relating to the operation of motor vehicles and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator Caskey moved that **SB 629** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Goode
Johnson	Mathewson	Maxwell	McKenna
Melton	Moseley	Russell	Singleton
Staples	Treppler	Westfall	Wiggins--16

Nays--Senators

Clay	Ehlmann	Flotron	Graves
House	Howard	Kenney	Kinder

Klarich	Lybyer	Mueller	Quick
Rohrbach	Schneider	Sims--15	

Absent--Senators--None

Absent with leave--Senators

Bentley	Curls	Scott--3	
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SB 671, introduced by Senator Mathewson, entitled:

An Act to repeal section 246.070, RSMo 1994, relating to flood relief, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Mathewson, **SB 671** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Curls	Scott--3	
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Curls	Scott--3
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On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 687** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Goode offered **SS** for **SB 687**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact eleven new sections relating to the same subject, with an emergency clause.

Senator Goode moved that **SS** for **SB 687** be adopted.

Senator McKenna assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 687, Page 5, Section 162.857, Line 20, by deleting lines 20-21 and replacing in lieu thereof the following:

"(3) To authorize all tax levies by two thirds approval of the board of education prior to submission of tax levy proposals to the voters as provided by law for the district;"

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 687, Page 3, Section 162.856, Lines 10-12 of said page, by striking all of said lines; and

Further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 12, section 162.867, line 10 of said page, by striking the words "governing council" and inserting in lieu thereof the following: "**voters of each election district**".

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Quick resumed the Chair.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 687, Page 12, Section 162.867, Line 8 of said page, by striking the word "seven" and inserting in lieu thereof the following: "**five**"; and further amend line 13, by striking the word "seven" and inserting in lieu thereof the following: "**five**"; and further amend line 16, by striking ", two and three" and inserting in lieu thereof the following: "**and two**"; and further amend line 17, by inserting immediately after the word "subdistricts" the following: "**three and**"; and further on said line, by striking the following: "and five"; and further amend line 18, by striking the word "members" and inserting in lieu thereof the following: "**the member**"; and further amend line 19, by striking the following: "subdistricts six and seven" and inserting in lieu thereof the following: "**subdistrict five**"; and further amend line 27, by inserting at the end of said line the following: "**Also, the county commission or county executive of the county in which the special school district is located shall elect two at-large members of the board of education who shall satisfy the other qualifications of this section and shall serve for three year terms; except that one of the initial members shall serve for a one year term and the other initial member shall serve for a three year term.**".

Senator Schneider moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode moved that **SS** for **SB 687**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 687**, as amended, was declared perfected and ordered printed.

Senator Staples moved that **SB 503**, with **SS No. 2** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Flotron, **SA 2** was withdrawn.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Bill No. 503, Page 3, Section 304.010, Line 5 of said page, by inserting immediately after said line, the following:

"3. The department of highways and transportation may lower or raise a speed limit set in subsection 2 of this section for particular sections of two-lane state or federal highways, but only after a lower or higher speed limit is indicated by an engineering study and after holding public hearings in the areas affected. No speed limit shall be changed under this subsection unless the particular section of highway is requested to be reviewed by a

municipality or a county commission. Any changes made by the department under this subsection shall be promulgated by rule under section 536.024, RSMo, and in addition to the grounds for suspending a rule under that section the joint committee on administrative rules shall be able to suspend a rule on the ground that it is against public policy."; and

Further amend said section, by renumbering the remaining subsections accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson assumed the Chair.

Senator Johnson offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Bill No. 503, Page 2, Section 304.010, Line 24 of said page, by striking the following: ", or, when lighted lamps are not required by law, on" and inserting in lieu thereof a semicolon ";"; and further amend lines 25 through 32, by striking all of said lines; and further amend line 33, by striking "(4)" and inserting in lieu thereof "(2)"; and further amend said line, by striking the word "in"; and

Further amend said bill and section, page 3, line 1 of said page, by striking "the state when lighted lamps are required by law" and inserting in lieu thereof the following: ", **federal or state**".

Senator Johnson moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Caskey moved that **SS No. 2** for **SB 503**, as amended, be adopted, which motion prevailed on a standing division vote.

On motion of Senator Staples, **SS No. 2** for **SB 503**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Larry D. Snider, O.D., as a member of the State Board of Optometry;

Also,

Thomas A. Dinkins, III, as a member of the Linn State Technical College Board of Regents;

Also,

S. Lee Kling, as a member of the State Highway and Transportation Commission;

Also,

Sharon K. Worrell and Kenneth A. Michel, as members of the Drug Utilization Review Board;

Also,

Ronald E. Stutzman, as a member of the Missouri Public Entity Risk Management Fund Board of Trustees;

Also,

Sandra M. Moore, as a member of the Missouri Training and Employment Council.

Also,

Daniel Williams, Jr., as a member of the Lincoln University Board of Curators;

Also,

Flora M. Henderson and John L. Tirre, as members of the State Board of Cosmetology;

Also,

Christina J. Fritsch, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Maria L. Evans, as a member of the Northeast Missouri State University Board of Governors;

Also,

H. Edward Wildberger, as a member of the Missouri Fire Safety Advisory Board;

Also,

Ronald D. Boyer, as a member of the Missouri State Milk Board;

Also,

Sterling Adams and Nancy J. Reynolds, as members of the Missouri Commission on Human Rights;

Also,

Joseph L. Stabler, as a member of the Elevator Safety Board;

Also,

Susan M. Noaker, as a member of the Children's Trust Fund Board;

Also,

Catherine W. Keefe, as a public member of the State Board of Registration for the Healing Arts;

Also,

Geneva F. Shearburn, MA, CSC., and Pat Osban Adams, as members of the Board of Certification of Interpreters;

Also,

Dan W. Brown, DVM, as a member of the Missouri Veterinary Medical Board;

Also,

Doris J. Jones and Lynn R. Morris, as members of the State Advisory Council on Vocational Education;

Also,

Sidney D. Koltun, as a member of the State Commission on Regulatory Barriers to Affordable Housing;

Also,

Susan W. Clowe and Jennifer A. Marino, as members of the Seismic Safety Commission;

Also,

William Craig Hosmer, as a member of the Missouri Community Service Commission;

Also,

Stuart M. Landrum, as a member of the Video Instructional Development and Educational Opportunity Program;

Also,

B. Karl Zobrist, as Chairman of the Public Service Commission.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of M. Dianne Postlewait-Drainer, as a member of the Public Service Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Mathewson moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 852--By Caskey.

An Act to repeal section 163.031, RSMo 1994, and sections 164.011 and 165.011, RSMo Supp. 1995, relating to the use of public school funds, and enacting four new sections relating to the same subject.

SB 853--By McKenna and Flotron.

An Act to repeal sections 354.400 and 354.535, RSMo 1994, relating to health maintenance organizations, and to enact in lieu thereof two new sections relating to the same subject.

SB 854--By Moseley.

An Act to repeal section 260.700, RSMo 1994, relating to the midwest interstate compact on low-level radioactive waste, and to enact in lieu thereof one new section relating to the same subject.

SB 855--By Clay.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to the withholding of income taxes

from unemployment compensation benefits.

SB 856--By Clay.

An Act to repeal section 290.502, RSMo 1994, relating to the minimum wage rate, and to enact in lieu thereof one new section relating to the same subject.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 711--Civil and Criminal Jurisprudence.

SB 817--Ways and Means.

SB 818--Ways and Means.

SB 831--Public Health and Welfare.

SJR 33--Aging, Families and Mental Health.

President Wilson assumed the Chair.

Senator Quick resumed the Chair.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 19

WHEREAS, a one-page memo that Secretary of the Navy John Dalton signed January 12, 1995, clears the way for inactive Naval vessels to be scrapped or turned into museums; and

WHEREAS, the historic Battleship U.S.S. Missouri (BB-63) has been stricken from the Navy's rolls owing to the financial costs that would be incurred in maintaining the vessel as part of our national defense force; and

WHEREAS, the U.S.S. Missouri is best remembered within the annals of our nation's proud military tradition as the site of the formal surrender of Japan on September 2, 1945, an event which brought to an end the greatest global conflict in history; and

WHEREAS, the U.S.S. Missouri is currently located at mooring "G" at the Naval Inactive Ships Maintenance Facility located in Puget Sound Naval Shipyard, Bremerton, Washington; and

WHEREAS, special commemoration ceremonies were conducted aboard the U.S.S. Missouri on September 2, 1995, marking the Fiftieth Anniversary of VJ-Day, and two days later, the ship was closed to visitors; and

WHEREAS, several ideas have been put forth as to the final resting place for this gallant Lady of the United States Navy by a number of interested parties, who have firmly determined that this historic vessel should not be scrapped, but rather, be preserved for the education and enrichment of future generations; and

WHEREAS, though the state of Missouri would be proud to preserve the U.S.S. Missouri within its boundaries, the fact is that the guaranteed depth of water on the Mississippi River Channel is much too shallow to allow the ship to reach St. Louis or any other port in Missouri; and

WHEREAS, the U.S.S. Missouri (BB-63) Memorial Association, Inc., of Honolulu, Hawaii, has expressed an interest in obtaining the Missouri and placing her on display in Pearl Harbor as a Naval Memorial and Museum; and

WHEREAS, it is entirely fitting and proper that the site for the ending of the second World War should be located at the site of the beginning of

United States involvement in the war; and

WHEREAS, the American Legion, Department of Missouri, has urged the United States Navy to permanently locate the U.S.S. Missouri in Pearl Harbor, next to the U.S.S. Arizona Memorial:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, hereby memorialize the Congress of the United States, the President of the United States, the Joint Chief of Staff, United States Navy, and the Secretary of the Navy to take any appropriate action necessary to permanently locate the U.S.S. Missouri (BB-63) at Pearl Harbor, Honolulu, Hawaii, next to the U.S.S. Arizona Memorial, for the purpose of serving as a Naval Memorial and Museum; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, for each member of the Missouri Congressional delegation, for the Joint Chief of Staff, United States Navy, for the Secretary of the Navy, and for the American Legion, Department of Missouri.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1047**, entitled:

An Act to repeal sections 301.150, 302.301, 304.011, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 304.580, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Mr. and Mrs. Dan Kercher, Tipton; and Maren Gehrts, Germany; and Maren was made an honorary page.

Senator Melton introduced to the Senate, Rosella Hamilton, Jo Hadley and Sandy Poneleit, Kimberling City.

Senator Klarich introduced to the Senate, Amy Hall, Washington.

Senator Ehlmann introduced to the Senate, Rose Mack, Vernon Smith, Francis Schrick, Bill and Jean DePrender, Len and Shirley Behrendt, Thomas and Janet Palmer, Virginia Smith, Doris Kelsey, Jerre Schrick and Lou and Charlotte Queensen, St. Charles County.

Senator Sims introduced to the Senate, the Physician of the Day, Alina Urriola, M.D., St. Louis.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, January 29, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FIFTEENTH DAY--MONDAY, JANUARY 29, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, when we are at our best we do not deserve all the blessings You give to us. When we are at our worst we don't deserve to be in Your presence. But we are thankful that at all times You are near to guide, direct, console, inspire and comfort. We pause at the beginning of this session to give You praise and to ask for Your mercy and help. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 25, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Curls	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator House and Senator Flotron offered Senate Resolution No. 768, regarding Judge Melvyn Wiesman, Creve Coeur, which was adopted.

Senator Mathewson offered Senate Resolution No. 769, regarding the Fiftieth Anniversary of Mr. and Mrs. Charles Finnell, Sedalia, which was adopted.

Senator Flotron offered Senate Resolution No. 770, regarding DeSmet Jesuit High School Varsity Soccer Squad, which was adopted.

Senator Clay offered Senate Resolution No. 771, regarding Lillian Saunders, which was adopted.

Senator House offered Senate Resolution No. 772, regarding the One Hundred Fourth Birthday of Della Hall, Troy, which was adopted.

Senator House offered Senate Resolution No. 773, regarding the One Hundred Third Birthday of Paul Jenish, Wellsville, which was adopted.

Senator Mathewson offered Senate Resolution No. 774, regarding WaterWorks Pools and Spas, Sedalia, which was adopted.

Senator House offered Senate Resolution No. 775, regarding Kidland Adventures, St. Peters, which was adopted.

Senator Johnson offered Senate Resolution No. 776, regarding Bob Slater, St. Joseph, which was adopted.

Senator Bentley offered Senate Resolution No. 777, regarding Julie's Chewies Gourmet Cookies, Springfield, which was adopted.

Senator Howard offered Senate Resolution No. 778, regarding the Ag-Cat Corporation, Malden, which was adopted.

Senator Howard, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 779

WHEREAS, ten years ago, January 28, 1986, seven brave, exemplary Americans lost their lives in the service of their country and the service of humanity in the Challenger space shuttle tragedy; and

WHEREAS, to this day these heroes are remembered for their courage, enthusiasm and professional dedication to stretching the boundaries of human exploration and achievement for all the citizens of the world; and

WHEREAS, remembering the spirit of these outstanding people has inspired the hearts of millions around the globe including teachers and students who stopped Friday, January 26, 1996, and honored the memory of Christa Corrigan McAuliffe, the first teacher in space, and the six other members of the Challenger crew; and

WHEREAS, Mrs. Sheila Perry of Bloomfield, Missouri, a Christa McAuliffe Fellow and a Challenger International Faculty Member developed the idea for this international project known as "Christa, This One's for You and the Challenger Crew!"; and

WHEREAS, Mrs. Perry traveled to Framingham, Massachusetts this past summer and addressed Christa McAuliffe Fellows and area teachers concerning the project, worked with the Christa McAuliffe Center at Framingham College to develop a resource package for mailing, and also wrote a special poem in honor of the Challenger crew; and

WHEREAS, this new generation of students in the Bloomfield schools are playing a major role in the international effort to formally honor the Challenger crew by using computers, sending E-Mail messages over the Internet asking people to remember Christa McAuliffe and the other Challenger astronauts in a meaningful way; and

WHEREAS, through the work of Sheila Perry and her students, the Christa McAuliffe Center and the Challenger Center in Framingham, many people throughout the United States and in many parts of the world have committed themselves to remembering the Challenger crew through a number of ceremonies and activities; and

WHEREAS, Mrs. Perry and her students are compiling a special commemorative book to present to Christa McAuliffe's mother, Grace Corrigan, who will visit Bloomfield on April 25th of this year; and

NOW, THEREFORE, BE IT RESOLVED, that we the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in commending and applauding Sheila Perry and the students of Bloomfield for their admirable efforts and initiative in honoring the memory of Christa McAuliffe and the Challenger shuttle crew, and further salute them with the very best wishes for success in this most worthwhile endeavor to remember these outstanding people and carry the torch of hope; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Grace Corrigan and for the Bloomfield R-14 Schools.

Senator Singleton offered Senate Resolution No. 780, regarding the Ninetieth Birthday of Jean Cook, Newton County, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 857--By Johnson and Westfall.

An Act to repeal sections 169.010 and 169.600, RSMo 1994, and sections 169.030 and 169.620, RSMo Supp. 1995, relating to teacher retirement, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

SB 858--By Banks.

An Act to repeal sections 191.650, 191.653, 191.656, 191.663 and 191.686, RSMo 1994, relating to acquired immune deficiency syndrome, and to enact five new sections relating to the same subject.

SB 859--By McKenna.

An Act relating to real estate transactions.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 845--Corrections and General Laws.

SB 852--Education.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1047--Transportation.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred SS No. 2 for SB 503 and SS for SB 687, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem Mathewson referred SS No. 2 for SB 503 to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Westfall moved that SB 540, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 540, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 540

An Act to repeal sections 31.040, 192.010, 199.010, 199.020, 199.025, 199.037, 199.210, 199.230, 199.240, 199.250, and 199.260, RSMo 1994, and sections 31.010 and 199.029, RSMo Supp. 1995, relating to the Missouri rehabilitation center, and to enact in lieu thereof twenty new sections relating to the same subject, with a contingent termination date for certain sections and an emergency clause.

Was taken up.

Senator Westfall moved that SCS for SB 540 be adopted, which motion prevailed.

On motion of Senator Westfall, SCS for SB 540 was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator DePasco moved that SCR 18 be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, SCR 18 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators

Curls	Scott--2
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RESOLUTIONS

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 781

WHEREAS, the members of the Missouri Senate are always pleased to recognize an individual who has demonstrated an exceptional degree of commitment to the high ideals which have traditionally been associated with the Republican Party; and

WHEREAS, Bobby Lee Patterson of Newton County has distinguished himself as a proud, loyal, and faithful member of the Republican Party for the past forty-eight years, during which time he has given tirelessly of himself in the various roles of supporter, advisor, mentor, and office holder; and

WHEREAS, Bobby Lee Patterson became involved in politics almost a half century ago with his decision to follow in the footsteps of his father, Guy Patterson, who served as Newton County Collector from 1946 to 1954, and his uncle, Russell Patterson, who served as Newton County Sheriff from 1941 to 1945; and

WHEREAS, Bobby Lee Patterson made his debut in the political arena in 1948 when he was elected Committeeman for Precinct #3, an achievement which marked the beginning of what would become a very successful career in Republican politics; and

WHEREAS, Bobby Lee Patterson enjoyed the distinction of being elected Republican Party Chairman in 1968 and again in 1976, in which important capacity he continues to provide the finest service and the most outstanding leadership; and

WHEREAS, Bobby Lee Patterson attained another impressive milestone in 1988, when the voters expressed their faith and confidence in him by electing him Public Administrator, which office he continues to hold; and

WHEREAS, Bobby Lee Patterson's overall record of accomplishment is also embellished with thirty years of success in the car business, Manager of the Year recognition for his son's baseball league, and forty years of marriage to Betty Jean Sappington (now deceased), which union had been blessed with three children, Alan, Jack, and Lynn:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join unanimously in expressing appreciation to Bobby Lee Patterson for the faithful manner in which he has contributed his time, energy, and ability to strengthen and enhance the Republican Party over the years and in wishing him only the best in meeting the challenges of tomorrow; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Bobby Lee Patterson.

Senator Ehlmann offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 782

WHEREAS, the members of the Missouri Senate are always pleased to recognize this state's outstanding citizens as they observe significant milestones in their lives; and

WHEREAS, on February 7, 1996, Ruth E. Mitchell of St. Charles, Missouri, will proudly commemorate sixty years of dedicated service to the R.C. Wilson Company; and

WHEREAS, Ruth Mitchell's long and illustrious association with the R.C. Wilson Company began on February 7, 1936, at that point in history when this nation was beginning to emerge from the Great Depression; and

WHEREAS, during her sixty years of tireless commitment to the R.C. Wilson Company Ruth Mitchell has experienced the honor and the distinction of serving in such prestigious capacities as consultant and as president; and

WHEREAS, Ruth Mitchell is known, admired, and respected for the exceptional leadership she has provided to guide the company along a steady path of growth, development, and progress; and

WHEREAS, in appreciation of her numerous achievements, the Wilson headquarters building at 126 South Main Street was named "The Ruth E. Mitchell Building" in her honor in 1989; and

WHEREAS, Ruth Mitchell has touched the lives of countless citizens over the years and has served as a tremendous source of genuine inspiration to all those who have enjoyed the privilege of knowing her; and

WHEREAS, Ruth Mitchell has continually received the love, support, and encouragement of her devoted husband, Arthur:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join unanimously in expressing our deepest gratitude to Ruth Mitchell for her longtime, faithful service and in wishing her continued success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Ruth E. Mitchell, as a mark of our esteem for her.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 860--By Johnson.

An Act to repeal sections 169.035, 169.050, 169.589 and 169.650, RSMo 1994, and sections 169.030, 169.055, 169.056, 169.057, 169.075, 169.560, 169.620, 169.630, 169.655 and 169.660, RSMo Supp. 1995, relating to teacher and school employee retirement systems, and to enact thirteen new sections relating to the same subject.

SB 861--By Wiggins.

An Act to repeal section 334.735, RSMo 1994, and section 334.740, RSMo Supp. 1995, relating to the regulation and licensing of respiratory care practitioners, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

SB 862--By DePasco.

An Act to repeal section 313.275, RSMo 1994, relating to the state lottery, and to enact in lieu thereof one new section relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayne T. Allen, 137 Kenview Drive, Holts Summit, Callaway County, Missouri 65043, as the public member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2001, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy Stroh Becvar, 6330 San Bonita Avenue, St. Louis, St. Louis County, Missouri 63105, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2000, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Katherine A. Borman, Democrat, 4704 County Road 240, Kingdom City, Callaway County, Missouri 65262, as a member of the Missouri State Milk Board, for a term ending September 28, 1998, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Matthew L. Braun, 603 NW 161, Clinton, Henry County, Missouri 64735, as the Student Representative to the Northeast Missouri State University Board of Governors, for a term ending January 1, 1998, and until his successor is duly appointed and qualified; vice, Kyle Cope, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gene R. Brown, M.A.P.T., 12046 Weshire Place, Maryland Heights, St. Louis County, Missouri 63043, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 1997, and until his successor is duly appointed and qualified; vice, Alfonso L. Amato, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Julie A. Chapman, 404 Saginaw Road, Joplin, Jasper County, Missouri 64804, as the Student Representative to the Missouri Southern State College Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joey Lyn Coleman, Post Office Box 804 SRB, Waynesville, Pulaski County, Missouri 65583, as the Student Representative to the Central Missouri State University Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, Jennifer Holmes, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth A. Fleming, 3205 S. Kentucky, Sedalia, Pettis County, Missouri 65301, as the Student Representative to the Southwest Missouri State University Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, Vicki Schmitt, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kwanza W. Humphrey, 702 Olive, Apartment A, Kansas City, Jackson County, Missouri 64124, as the Student Representative to the Missouri Western State College Board of Regents, for a term ending January 1, 1998, and until his successor is duly appointed and qualified; vice, Micky Mayes, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Christie L. Johnson, 400 Pine, Cooter, Pemiscot County, Missouri 63839, as the Student Representative to the Southeast Missouri State University Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, Jennifer Bertrand, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Elizabeth Kingsley, Ph.D., 14 Mohave Drive, Lake Winnebago, Cass County, Missouri 64034, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 2001, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Troy L. Nash, Democrat, 3240 Jackson Avenue, Kansas City, Jackson County, Missouri 64128, as the Student Representative to the University of Missouri Board of Curators, for a term ending January 1, 1998, and until his successor is duly appointed and qualified; vice, Gayatri Bhatt, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Suzanne P. Nichols, 1418 Springdale Terrace, Jefferson City, Cole County, Missouri 65101, as the public member of the State Committee of Marital and Family Therapists, for a term ending January 26, 1999, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marisa B. Sanchez, 3301 Karnes, Kansas City, Jackson County, Missouri 64111, as the Student Representative to the Northwest Missouri State University Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, Monica Nauss, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John R. Small, Ph.D., 5483 S. Bethel Church Road, Columbia, Boone County, Missouri 65203, as a member of the State Committee of Marital and Family Therapists, for a term ending January 26, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard J. Washington, 9233 Wyandotte, Kansas City, Jackson County, Missouri 64114, as the Student Representative to the Lincoln University Board of Curators, for a term ending January 1, 1997, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Kate Rathbun, and her husband, Ed Richards, Lee's Summit.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, January 30, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY--TUESDAY, JANUARY 30, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, I tried to give a smile away today and discovered I could not, because each time I tried someone gave it back to me. Lord, will that also work with kindness, love, mercy and understanding? Will You help us all try? In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Wilson assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following

report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred SCS for SB 540, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred SB 575, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 679, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples resumed the Chair.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred SJR 32, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred SB 643, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred SB 735, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 857--Education.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 863--By Flotron.

An Act to repeal section 513.647, RSMo 1994, relating to the transfer of forfeited property, and to enact one new section relating to the same subject.

SB 864--By Kenney.

An Act to repeal section 115.646, RSMo 1994, relating to prohibiting certain uses of public funds, and to enact

in lieu thereof one new section relating to the same subject.

SB 865--By DePasco.

An Act to repeal sections 99.805 and 99.825, RSMo 1994, relating to tax increment financing, and to enact in lieu thereof two new sections relating to the same subject.

SB 866--By Singleton.

An Act to repeal sections 105.456 and 105.498, RSMo 1994, relating to members of the general assembly, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Ronald Hendricks, Superintendent of Camdenton R-III School; Bob Shore, Head Coach of the Camdenton Lakers Football Team; assistant coaches, Jim "Pappy" Pirch, Mike Silverwood, Lance Foulk and Joe Borghardt; manager, Jeff Cainstraight; and members of the 1995 Class 4A State High School Football Championship Lakers Team, Neil Box, Mikel Burks, Brian Colyer, Daniel Eddings, Joey Farris, Brent Fera, Jeff Ford, Zach Franklin, James Hammond, Jeremiah LaBrue, Joey May, Tom Porter, Brandon Schubert, Kenny Shelton, Daniel Simons, Scott Blackburn, Bruce Brenon, Griff Creed, Brian Crosby, Jason Dodd, Matt Ford, J.P. Franklin, David Geier, Dustin Hollandsworth, Brian Johnson, Tim Kessler, Keith Kirby, Chris Kuches, Bryan LaHay, Todd Luther, Matt Marr, Craig Morris, Joe Parker, David Pitts, J.W. Sweatt, Matt Terry, Shawn Wade, C.O. West, Earl Bartley, Brent Brell, Ken Colvard, Tim Cooper, Laith Cox, Chris Daugaard, Luke Hagedorn, G.W. Hamilton, Aaron Hasty, Ryan Hollingsworth, Josh Hicks, Michael Hollandsworth, Joey Mayer, Chris McGuire, Mike Pitts, Quent Reed, Matt Robinson, Daniel Trutwin, Brad Waldren and Steve Webb.

Senator Mueller introduced to the Senate, the Physician of the Day, Dr. Glenn Fox, Webster Groves.

Senator Caskey introduced to the Senate, Gene Irvin, Adrian.

Senator Sims introduced to the Senate, members of the Parents as Teachers Organization from the Pattonville School District, Pat Chambers, June Mueller and Tammy Davis, St. Louis.

Senator House introduced to the Senate, a delegation from the Parents as Teachers Program from Troy, Bowling Green, Clapton and Francis Howell School Districts.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, January 31, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY--WEDNESDAY, JANUARY 31, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the Bible teaches us to abstain from the appearance of evil. We find very often that what people perceive and what really is aren't the same. Help us to live in such a way that who we are and what we stand for is what we really want people to believe about us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Moseley offered Senate Resolution No. 783, regarding First Floor, Inc., Columbia, which was adopted.

On behalf of Senator Scott, Senator Banks offered Senate Resolution No. 784, regarding Sappington Farmers Market, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 785, regarding Dr. C. W. Chastain, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 867--By Johnson.

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, and 266.220, RSMo 1994, and section 266.195, RSMo Supp. 1995, relating to the commercial feed law, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an effective date.

SB 868--By Schneider.

An Act to repeal section 287.210, RSMo 1994, relating to workers' compensation, and to enact one new section relating to the same subject.

SB 869--By Schneider, Ehlmann, Howard, Wiggins, Klarich, Maxwell and Flotron.

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 210.160, 210.842, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 479.260, 479.261, 482.345, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.040, 485.055, 485.060, 485.075, 485.100, 485.120, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 550.260, 550.300, 561.035, 590.140 and 595.045, RSMo 1994, and sections 302.137, 478.401 and 487.170, RSMo Supp. 1995, relating to the assessment, collection, disbursement and expenditure of moneys in judicial proceedings, and to enact in lieu thereof seventy new sections relating to the same subject, with penalty provisions.

SB 870--By Staples and Goode.

An Act to authorize the department of highways and transportation to convey certain lands of the department of highways and transportation in Shannon County, Missouri.

President Wilson assumed the Chair.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Lybyer moved that the vote by which SB 629 failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna

Melton	Moseley	Quick	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	
	Nays--Senators		
Clay	Flotron	House	Mueller
Rohrbach--5			
	Absent--Senator Curls--1		
	Absent with leave--Senator Scott--1		

Senator Schneider was recognized.

Senator Caskey raised the point of order that Senator Schneider could not debate the issue, stating that once a vote for reconsideration has carried the issue must be disposed of without debate.

The point of order was referred to the President Pro Tem.

Senator Schneider was recognized to speak on the point of order.

Senator Caskey raised a further point of order that the remarks made by Senator Schneider were out of order in that they were not directed to the pending point of order.

The point of order was referred to the President Pro Tem.

The President Pro Tem ruled Senator Caskey's point of order regarding Senator Schneider's remarks well taken.

The President Pro Tem ruled Senator Caskey's point of order regarding disposition of the issue without debate well taken.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Kenney moved that the vote by which SB 629 was perfected be reconsidered.

Senator Caskey offered a substitute motion that SB 629 be placed upon its third reading and finally passage.

Senator Schneider raised the point of order that the substitute motion is out of order in that it is a negative motion.

The President Pro Tem ruled the point of order well taken.

The motion made by Senator Kenney for reconsideration of the vote by which SB 629 was perfected failed to receive the necessary majority by the following vote:

	Yeas--Senators		
Bentley	Clay	Ehlmann	Flotron

Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mueller	Rohrbach	Schneider	Sims
Staples--17			

Nays--Senators

Banks	Caskey	DePasco	Johnson
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Russell	Singleton
Treppler	Westfall	Wiggins--15	

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

On motion of Senator Caskey, SB 629 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Goode	Graves	Johnson	Kenney
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Russell
Singleton	Staples	Treppler	Westfall
Wiggins--21			

Nays--Senators

Clay	Ehlmann	Flotron	House
Howard	Kinder	Klarich	Mueller
Rohrbach	Schneider	Sims--11	

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 739--Transportation.

SB 819--Transportation.

SB 820--Agriculture and Local Government.

SB 821--Corrections and General Laws.

SB 822--Elections, Pensions and Veterans' Affairs.

SB 823--Ways and Means.

SB 824--Insurance and Housing.

SB 825--Education.

SB 826--Agriculture and Local Government.

SB 827--Public Health and Welfare.

SB 828--Commerce and Environment.

SB 829--Labor and Industrial Relations.

SB 830--Civil and Criminal Jurisprudence.

SB 832--Corrections and General Laws.

SB 833--Commerce and Environment.

SB 834--Conservation, Parks and Tourism.

SB 835--Judiciary.

SB 836--Financial and Governmental Operations.

SB 837--Rules, Joint Rules and Resolutions.

SB 838--Judiciary.

SB 839--Ways and Means.

SB 840--Agriculture and Local Government.

SB 841--Aging, Families and Mental Health.

SB 842--Civil and Criminal Jurisprudence.

SB 843--Ways and Means.

SB 844--Labor and Industrial Relations.

SB 846--Conservation, Parks and Tourism.

SB 847--Ways and Means.

SB 848--Civil and Criminal Jurisprudence.

SB 849--Corrections and General Laws.

SB 850--Civil and Criminal Jurisprudence.

SB 851--Insurance and Housing.

SB 853--Corrections and General Laws.

SB 854--Interstate Cooperation.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 871--By Flotron.

An Act to repeal section 303.025, RSMo 1994, relating to motor vehicle liability insurance, and to enact one new section in lieu thereof relating to the same subject.

SB 872--By Bentley and Sims.

An Act to amend chapter 290, RSMo, relating to employment, by adding thereto one new section relating to the same subject.

SB 873--By Ehlmann and Flotron.

An Act relating to discrimination.

SB 874--By Moseley.

An Act to repeal section 320.094, RSMo Supp. 1995, relating to the Missouri fire education trust fund, and to enact in lieu thereof one new section relating to the same subject.

SB 875--By Moseley.

An Act to repeal section 319.131, RSMo Supp. 1995, relating to cleanup of releases from underground storage tanks, and to enact in lieu thereof one new section relating to the same subject.

SJR 35--By Flotron and Westfall.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 18 of article X of the Constitution of Missouri relating to refunds of excess revenue collections, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SS for SB 521 was placed on the Informal Calendar.

SS for SB 687, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact eleven new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Goode, SS for SB 687 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

House	Kinder	Schneider--3
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Absent--Senator Curls--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators
House Kinder Schneider--3

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SS for SB 521, introduced by Senators Johnson and Graves, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 521

An Act to repeal sections 274.030, 274.220 and 274.230, RSMo 1994, relating to cooperatives, and to enact four new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, SS for SB 521 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SCS for SB 540, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 540**

An Act to repeal sections 31.040, 192.010, 199.010, 199.020, 199.025, 199.037, 199.210, 199.230, 199.240, 199.250, and 199.260, RSMo 1994, and sections 31.010 and 199.029, RSMo Supp. 1995, relating to the Missouri rehabilitation center, and to enact in lieu thereof twenty new sections relating to the same subject, with a contingent termination date for certain sections and an emergency clause.

Was taken up by Senator Westfall.

On motion of Senator Westfall, SCS for SB 540 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Rohrbach--1

Absent--Senator Quick--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Rohrbach--1

Absent--Senator Quick--1

Absent with leave--Senator Scott--1

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred SB 857, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Mitch Hanna, Pleasant Hill; and Lynda Kyser, Harrisonville.

Senator Westfall introduced to the Senate, Bob George, Aurora.

Senator Johnson introduced to the Senate, Dr. Janet Murphy, Steve Huff and Karen Baker, St. Joseph.

Senator Lybyer introduced to the Senate, Mike and Sandra Manier, Houston.

Senator House introduced to the Senate, Corwin Ruge, Wright City.

Senator Russell introduced to the Senate, David Day, Pulaski County.

Senator Caskey introduced to the Senate, Carla Turner, Osceola.

Senator Rohrbach introduced to the Senate, Melodie Friedbach and Diane Tackett, Jefferson City; and Neva Thurston, Brazito.

Senator Bentley introduced to the Senate, Dr. Bob Coscia, Springfield.

Senator Clay introduced to the Senate, Ruby Harriman, Alice Windom and Valerie Walker, St. Louis.

Senator Mueller introduced to the Senate, the Physician of the Day, Dr. Dale Terrell, Webster Groves.

Senator Moseley introduced to the Senate, T.C. and David Lademann, Columbia.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, February 1, 1996

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY--THURSDAY, FEBRUARY 1, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, forgive us for complaining about the work when we should be giving thanks for the job, for complaining about life's trials instead of giving thanks for the joy of living. We give thanks for every breath we take, for each step we can take, for what we see and hear. Help us to use these gifts as the treasure they are. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall	Wiggins--32

Absent with leave--Senators

Scott	Treppler--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 786, regarding the Sixtieth Anniversary of Mr. and Mrs. Tom F. Luthy, Sr., Lebanon, which was adopted.

Senator Moseley offered Senate Resolution No. 787, regarding GEHM Environmental, Boonville, which was adopted.

Senator DePasco offered Senate Resolution No. 788, regarding Jachin Misko, which was adopted.

Senator Quick offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 789

Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that Senate Rule 79 be amended as follows:

"Rule 79. No senator shall speak more than once on the same question without leave of the senate, unless he is the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak or reply, but not until every senator choosing to speak has spoken. Any senator may be recognized after a senator has made a motion and the senate has acted on that motion. After a senator has been recognized to close, no other senator is permitted to speak on the pending matter, except that in the case of a proposed amendment to a bill or resolution, the proponent of the amendment and the author of the bill or resolution to be amended may be interrogated, but, in the case of a bill or resolution, only the author of the bill or resolution may be interrogated."

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 876--By Treppler.

An Act to amend chapter 26, RSMo, by adding one new section relating to boards and commissions.

SB 877--By Singleton.

An Act to repeal sections 334.010, 334.190, 334.260 and 335.016, RSMo 1994, relating to midwives, and to enact in lieu thereof five new sections relating to the same subject.

SB 878--By Wiggins and DePasco.

An Act to repeal section 67.641, RSMo 1994, relating to appropriations to convention and sports complex fund, and to enact one new section relating to the same subject.

SB 879--By Flotron and Kenney.

An Act to repeal section 143.805, RSMo 1994, relating to taxation and revenue, and to enact in lieu thereof two new sections relating to the same subject.

SB 880--By Flotron and Melton.

An Act to repeal sections 197.305, 197.310 and 197.330, RSMo 1994, relating to certificate of need, and to enact in lieu thereof three new sections relating to the same subject.

SJR 36--By McKenna, Sims, Flotron, Banks, Wiggins, Treppler, Clay, Ehlmann, Mueller and Scott.

An Act submitting to the qualified voters of Missouri, an amendment repealing sections 47(a), 47(b) and 47(c) of article IV of the Constitution of Missouri relating to certain sales taxes, and adopting five new sections in lieu thereof relating to the same subject, with a termination date.

SB 881--By Johnson.

An Act to repeal section 104.342, RSMo Supp. 1995, relating to the public school retirement system, and to enact one new section relating to the same subject.

SB 882--By Moseley.

An Act to repeal section 162.680, RSMo 1994, and sections 160.261, 167.161, 167.171, and 211.321, RSMo Supp. 1995, and to enact in lieu thereof fourteen new sections for the purpose of providing safer schools, with penalty provisions.

SB 883--By Bentley and Schneider.

An Act to repeal sections 376.854, 376.859, 376.864, 376.869, 376.879 and 376.886, RSMo 1994, relating to medicare supplement insurance, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 31, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 3, 1996, for your advice and consent.

Julie A. Relford, 812 South Bradford, Kirksville, Adair County, Missouri 63501, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Sincerely,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 31, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 3, 1996,

for your advice and consent.

Gloria Ann Wilson, 2220 Bradley Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Senate Bill 460.

Sincerely,

MEL CARNAHAN

Governor

Senator Banks moved that the above appointments be returned to the Governor, per his request, which motion prevailed.

President Wilson assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator McKenna moved that SB 575 be taken up for perfection, which motion prevailed.

On motion of Senator McKenna, SB 575 was declared perfected and ordered printed.

At the request of Senator Staples, SB 679, with SCS, was placed on the Informal Calendar.

At the request of Senator DePasco, SJR 32 was placed on the Informal Calendar.

At the request of Senator DePasco, SB 643 was placed on the Informal Calendar.

Senator Flotron moved that SB 735, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 735, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 735

An Act to repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator Flotron moved that SCS for SB 735 be adopted, which motion prevailed.

On motion of Senator Flotron, SCS for SB 735 was declared perfected and ordered printed.

Senator Johnson moved that SB 857, with SCS, be taken up for perfection, which motion prevailed.

SCS for SB 857, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 857

An Act to repeal sections 169.010 and 169.600, RSMo 1994, and sections 169.030 and 169.620, RSMo Supp. 1995, relating to teacher retirement, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson moved that SCS for SB 857 be adopted, which motion prevailed.

On motion of Senator Johnson, SCS for SB 857 was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Corwin S. Ruge, Jr., as a member of the State Banking Board;

Also,

Barbara R. Stuckey and Mary L. Vernassie, as members of the Missouri Real Estate Commission;

Also,

Karen C. Baker, as a member of the Missouri Western State College Board of Regents;

Also,

Frances I. Brothers, as a member of the Missouri Training and Employment Council;

Also,

Valerie O. Walker, as a member of the Drug Utilization Review Board;

Also,

David Alan Day, as a member of the Hazardous Waste Management Commission of the State of Missouri;

Also,

Donald J. Mayhew, as a member of the Elevator Safety Board;

Also,

Charles Edward Evans, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Richard E. Tufts, as a member of the Missouri Emergency Response Commission;

Also,

James Butler, Ronald J. Walkenbach, Michael C. Perry, MD, FACP, Jerry W. Palmer, Pamala R. Struessel, RN, BA, Mitzie A. Eddins, Mary R. Vieth, Barry K. Freedman and Robert L. Coscia, MD, FACS, as members of the Organ Donation Advisory Committee;

Also,

Linda Hickam-Fountain, as a member of the Missouri Veterinary Medical Board;

Also,

Christopher J. Maglio, Ph.D., as a member of the Committee for Professional Counselors;

Also,

Kimalea Anderson, Dianne L. Tackett, Shawn T. deLoyola, Melodie A. Friedebach, John G. Solomon and Neva G. Thurston, as members of the Missouri Planning Council for Developmental Disabilities;

Also,

Jonathan G. Hanson, D.D.S., as a member of the Missouri Dental Board;

Also,

Dr. Kala M. Stroup, as a member of the Midwestern Higher Education Commission;

Also,

Dr. Kala M. Stroup, as a member of the Missouri Training and Employment Council;

Also,

Thomas B. Becker, as a member of the Missouri Housing Development Commission;

Also,

Carla D. Turner, Danny R. Hobbs, and Alice M. Windom, as members of the Missouri Child Abuse and Neglect Review Board;

Also,

Ruby C. Harriman, John E. Thorne, Danielle H. Kaye, Theresa Clow (T.C.) Lademann, Ph.D., John A. Klebba and Michael S. Manier, as members of the Linn State Technical College Board of Regents;

Also,

Richard C. Dunn, H. Mitchell Hanna, Jr., Linda Antonia Kyser, Barbara O'Toole, Anthony R. Taylor and Rosalyn V. Kisart, as members of the Foster and Residential Care Facility Placement Task Force.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred SB 551 and SB 639, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached,

do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred SB 763 and SB 545, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 547, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred SB 709, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred SB 558, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred HB 1047, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3, 4, and 5.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1047, Page 2, Section 304.010, Line 26 by inserting immediately after "commission" the words "in consultation with the state highway patrol"; and further on lines 31-32, by striking all of said lines and inserting in lieu thereof the following: "miles per hour."

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1047, Page 2, Section 304.010, Line 18 by inserting immediately after "highways" the words ", expressways and freeways".

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Bill No. 1047, Page 6, Section 304.580, Line 2 by inserting at the beginning of said line the words "highways and transportation department workers or".

SENATE COMMITTEE AMENDMENT NO. 4

Amend House Bill No. 1047, Page 1, In the Title, Line 3 by inserting after the number "304.140," the number "304.150,"; and

Further amend said bill, page 7, section C, line 2, by inserting after the number "304.140," the number "304.150,"; and

Further amend said bill, page 14, section 304.140, line 2, by inserting after all of said line the following:

"[304.150. No person shall leave a motor vehicle unattended on the highway without first stopping the motor and cutting off the electric current, and no person shall leave a motor vehicle, except a commercial motor vehicle, unattended on the highway of any city having a population of more than seventy-five thousand unless the mechanism, starting device or ignition of such motor vehicle shall be locked. The failure to lock such motor vehicle shall not mitigate the offense of stealing the same, nor shall such failure be used to defeat a recovery in any civil action for the theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.]"; and

Further amend said bill, page 33, section 575.150, line 12, by inserting after the word "crime" the following: ", infraction".

SENATE COMMITTEE AMENDMENT NO. 5

Amend House Bill No. 1047, Page 3, Section 304.010, Line 41 by striking the words "and, with" and inserting in lieu thereof the following: ". The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit, with"; and further on line 46, by inserting immediately before "bridges" the following: "roads or".

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred SB 578, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 578, Page 1, Section 43.050, Line 6 by striking the opening bracket "["; and further on said line, by striking the following: "]" that for which funds"; and further on line 7, by striking the following: "are appropriated,"; and further on line 12, by inserting immediately after said line the following:

"3. Members of the patrol hired in conjunction with any agreement with the Missouri gaming commission shall not be subject to the personnel cap referenced in subsection 1 of this section. If such agreement is subsequently terminated or modified to reduce the number of personnel used in such agreement, those members affected by such termination or modification shall not be subject to the personnel cap referenced in subsection 1 of this section for a period of three years.

4. Members of the patrol hired in conjunction with the community oriented policing services federal grant shall not be subject to the personnel cap referenced in subsection 1 of this section until such time the federal grant expires."; and

Further amend said section, page 2, line 13, by striking the numeral "3" and inserting in lieu thereof the numeral "5".

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which were referred SB 533, SB 512 and SB 581, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which were referred SB 613 and SB 714, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the

following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred SB 676, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred SB 569, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred SJR 29, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred SB 572, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which were referred SB 795, SB 542 and SB 563, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred SB 661, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred SB 497, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 494, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred SB 560, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 560, Page 3, Section 304.155, Line 3 by inserting immediately after "agency's" the

word "real"; and

Further amend said bill and section, page 5, line 50, by striking the word "gross"; and

Further amend said bill and section, page 5, lines 57-58, by striking said lines and inserting in lieu thereof the following: "section or section 304.157, the law enforcement agency that"; and further on lines 62-67 by striking all of said lines and inserting in lieu thereof the following:

"vehicle, trailer or vessel has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system. The law enforcement agency shall also inspect any towed vehicle, trailer or vessel for which it authorized the tow within forty-eight hours of the removal. The law enforcement [officer who authorized the tow] agency shall submit a crime inquiry and inspection report to the director of revenue within five working days of the towing of the vehicle, trailer or vessel if it remains unclaimed. [Such] The crime inquiry and inspection"; and

Further amend said bill, page and section, line 73, by striking "number" and inserting in lieu thereof the following: "plate or registration number and the state of issuance, if available"; and further on line 75 by inserting after "name" the following: ", telephone number"; and further on line 75 by striking "tower" and inserting in lieu thereof the following: "towing company"; and

Further amend said bill and section, page 6, line 76, by striking "of the authorization to tow" and inserting in lieu thereof the following: ", place and reason for the towing of"; and further on line 76 by striking "and"; and further on line 78 by striking "and" and inserting in lieu thereof a comma ","; and further on line 78 by inserting after "system" the following: "and any other similar system which has titling and registration information"; and further on line 79 by striking the period "." from said line and inserting in lieu thereof the following: ";

(8) The signature and printed name of the law enforcement officer or authorized government employee and the towing operator; and

(9) Any additional information the director of revenue deems appropriate." and

Further amend said bill and section, page 6, lines 87-108, by striking all of said lines; and further on lines 109-111 by striking said lines and inserting in lieu thereof the following:

"5. One copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One copy shall be retained by the"; and

Further amend said bill and section, page 7, lines 116-117, by striking the words "service station, towing operator, salvage dealer, or motor vehicle repair shop," and inserting in lieu thereof the following: "towing company"; and

Further amend said bill and section, page 8, lines 181-183, by striking all of lines 181 and 182 and the word "section" on line 183, and by inserting in lieu thereof the following: "8. Towing companies"; and

Further amend said bill, section 304.156, page 9, line 2, by striking "report"; and further on line 3 by inserting after "department" the words "of revenue"; and

Further amend said bill and section, page 10, line 15, by striking "seven business days" and inserting in lieu thereof the following: "ten business days of the date of mailing indicated on the notice sent by the department of revenue"; and further on line 28 by striking "which is in default"; and further on line 34 by striking "act" and inserting in lieu thereof the word "section"; and further on lines 39-40 by striking "or it will be sold at a public auction"; and

Further amend said bill and section, page 11, line 71, by striking "subsections 7 to 9" and inserting in lieu

thereof the following: "subsection 7"; and further on line 74 by striking "storage operator" and inserting in lieu thereof the word "company"; and further on lines 74-75 by striking "the time he has knowledge of the location of the abandoned property" and inserting in lieu thereof the following: "receipt of notification from the towing company pursuant to subsection 1 of this section,"; and further on line 82 by striking "act" and inserting in lieu thereof the word "section"; and

Further amend said bill and section, page 12, lines 89-90, by striking the word "lienholder" as it appears on both of said lines and inserting in lieu thereof on both lines the following: "towing company"; and further on line 92 by striking "towing-storage" and inserting in lieu thereof the word "towing"; and further on lines 100-101 by striking said lines and inserting in lieu thereof the following:

"6. A towing and/or storage lien shall be enforced as provided in subsection 7"; and

Further amend said bill, page and section, line 104, by striking "in default"; and further on line 107 by inserting immediately after "owner" the following: "or holder of a security agreement"; and further on lines 108-109 by striking the words "sell the abandoned property as provided in subsection 8 of this section or may"; and further on line 117 by striking the words "which is in default"; and

Further amend said bill and section, page 13, lines 128 to 156, by striking all of said lines; and

Further amend said bill and section, page 14, lines 157-160, by striking all of said lines and inserting in lieu thereof the following:

"8. If notice to the owner and holder of a security agreement has been returned marked "not forwardable" or "addressee unknown", the lienholder in possession shall comply with subsection 3 of this section."; and

Further amend said bill and section, page 14, line 161, by striking "10." and inserting in lieu thereof "9."; and further on lines 166-167 by striking said lines and inserting in lieu thereof the following: "304.155 to 304.158.

10. Any municipality or county which sells an abandoned vehicle in accordance with a local ordinance may transfer ownership by means of a bill of sale signed by the municipal or county clerk or deputy and sealed with the official municipal or county seal. Such bill of sale shall contain the make and model of the vehicle, the complete vehicle identification number and the odometer reading of the vehicle and shall be lawful proof of ownership for any dealer registered under the provisions of section 301.218 or 301.251, RSMo, or for any other person. Any dealer or other person purchasing such a vehicle from a municipality or county shall apply within thirty days of purchase for a certificate of ownership as provided in section 301.190, RSMo, or for a junking certificate or salvage title as provided in section 301.227, RSMo. Anyone convicted of a violation of this section shall be guilty of an infraction."; and further on line 186 by inserting after "documents" the following: "submitted under this section"; and further on line 186 by inserting after the word "issue" the following: "an original certificate of title,"; and

Further amend said bill, section 304.157, page 15, lines 6-7, by striking "service station, towing operator, salvage dealer, or vehicle repair shop" and inserting in lieu thereof the following: "towing company"; and further on line 26 by inserting immediately after "real property" the following: "or lessee in lawful possession of the real property"; and further on line 28 by inserting immediately after "owner" the following: "or lessee"; and further on line 28 by inserting immediately after "under" the following: "any of"; and further on line 39 by inserting immediately after "owner" the words "or lessee"; and

Further amend said bill and section, page 16, line 44, by striking "person in lawful possession" and inserting in lieu thereof the following: "lessee in lawful possession of the real property"; and further on line 49 by striking the word "gross"; and further on line 54 by inserting immediately after "hours" the following: "of the tow"; and further on line 55 by striking "Charges" and inserting in lieu thereof the following: "A lien for charges"; and

Further amend said bill, section 304.158, page 19, line 2, by inserting immediately after the word "shall," the following: "if the person or agency knows the registered owner or lienholder,"; and further on line 3, by

inserting immediately after "owner" the words "and any lienholder".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 560, Page 1, In the Title, Line 2 by inserting immediately after "304.001," the following: "304.150,"; and further on line 4 of the title by striking the word "five" and inserting in lieu thereof the word "six"; and

Further amend said bill, page 1, section A, line 1, by inserting immediately after "304.001," the following: "304.150,"; and further on line 2 of section A by striking "five" and inserting in lieu thereof the word "six"; and further on line 3 of section A by inserting immediately after "304.001," the following: "304.150,"; and

Further amend said bill, page 3, section 304.155, line 1, by inserting immediately before said line the following:

"304.150. 1. No person shall leave a motor vehicle unattended on the highway without first stopping the motor and cutting off the electric current, and no person shall leave a motor vehicle, except a commercial motor vehicle, unattended on the highway of any city having a population of more than seventy-five thousand unless the mechanism, starting device or ignition of such motor vehicle shall be locked. The failure to lock such motor vehicle shall not mitigate the offense of stealing the same, nor shall such failure be used to defeat a recovery in any civil action for the theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

2. Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any state highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic.

3. Prior to January 1, 1999, any person who fails to comply with the requirements of subsection 2 of this section shall be issued a written warning of the violation in order to inform such persons of the requirements of this section. Beginning January 1, 1999, any person who fails to comply with the requirements of subsection 2 of this section is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars."; and

Further amend said bill, page 4, section 304.155, lines 20-23, by striking all of said lines; and

Further amend said bill, page 5, section 304.155, line 46, by inserting immediately after said line the following:

"2. The department may immediately remove any abandoned, unattended, wrecked, burned or partially dismantled vehicle, trailer, spilled cargo or other personal property from the roadway of any state highway if the vehicle, trailer, cargo or personal property is creating a traffic hazard because of its position in relation to the state highway. In the event the vehicle creating a traffic hazard is a commercial motor vehicle, as defined in section 302.700, RSMo, the department's authority under this subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this subsection shall not apply to vehicles transporting any material which has been designated as hazardous under section 5103(a) of title 49, United States Code.

3. Any government agency other than a law enforcement agency authorizing a tow under this section in which the vehicle, trailer or vessel is moved away from the immediate vicinity in which it was abandoned shall report the towing to the state highway patrol within twenty-four hours along with a description of the vehicle, trailer or vessel sufficient to make a criminal inquiry as required in this section."; and by renumbering the remaining subsections accordingly.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred SB 852, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred SB 743, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 884--By Moseley, Mathewson, Mueller, Howard, Flotron, McKenna, Clay, Singleton, Johnson, Wiggins, DePasco, Quick, Sims and Curls.

An Act to repeal sections 630.110, 630.115, 630.125, 630.140, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.200, 631.110, 631.115, 631.120, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994, and section 630.005, RSMo Supp. 1995, relating to mental health and to enact in lieu thereof forty-four new sections relating to the same subject, with penalty provisions.

INTRODUCTIONS OF GUESTS

Senator Lybyer introduced to the Senate, the Physician of the Day, James Shaw, M.D., Hermann.

Senator Curls introduced to the Senate, Ralph C. Johnson, CPA, Kansas City; and Patricia M. Jackson, Kansas City, Kansas.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, February 5, 1996.

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY--MONDAY, FEBRUARY 5, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Paul wrote to the Colossians, "Let your speech be always with grace, seasoned with salt." We pray for the ability to speak things clearly and to the point and yet so as not to offend. Give us words to say what we mean and also what we feel. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 1, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Clay	Scott--2
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The Lieutenant Governor was present.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred SCS for SB 857, SCS for SB 735 and SB 575, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred SB 710, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Clay, Chairman of the Committee on Labor and Industrial Relations, Senator Banks submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred SB 565, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred SB 582, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred SB 730, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred SB 733, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 733, Page 1, Section 287.061, Lines 3-5 by striking the word "if" from line 3 and by striking all of lines 4 and 5 and inserting in lieu thereof the following: "or an affidavit, the form of which shall be provided by the division of workers' compensation, signed by the applicant attesting that they are exempt."

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 885--By Ehlmann.

An Act to repeal section 542.276, RSMo 1994, relating to criminal procedures, and to enact in lieu thereof two new sections relating to the same subject.

SB 886--By DePasco.

An Act to amend chapter 362, RSMo, by adding thereto one new section relating to banking.

SB 887--By DePasco.

An Act to repeal sections 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, and 367.050, RSMo 1994, relating to pawnshops, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions.

SB 888--By Goode.

An Act to repeal section 144.025, RSMo 1994, relating to sales taxes, and to enact one new section relating to the same subject.

SB 889--By Quick.

An Act to repeal sections 87.005 and 87.006, RSMo 1994, relating to firemen benefits, and to enact two new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 769, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 668, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred SB 721, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

HOUSE BILLS ON THIRD READING

HB 1047, with SCAs 1, 2, 3, 4 and 5, introduced by Representatives Thomason (163) and Prost, entitled:

An Act to repeal sections 301.150, 302.301, 304.011, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 304.580, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Was taken up by Senator Staples.

SCA 1 was taken up.

Senator Wiggins assumed the Chair.

Senator Staples moved that SCA 1 be adopted.

Senator Quick assumed the Chair.

President Wilson resumed the Chair.

Senator Caskey offered SSA 1 for SCA 1, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1047, Page 2, Section 304.010, Lines 25-32, by deleting Section 304.010.3.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Johnson assumed the Chair.

President Pro Tem Mathewson assumed the Chair.

SCA 2 was taken up.

Senator Staples moved that the above amendment be adopted.

Senator Flotron offered SSA 1 for SCA 2, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1047, Page 2, Section 304.010, Lines 18 and 19, by striking said lines and insert in lieu thereof the following: "(3) Upon the interstate highways and freeways within the urban areas of this state, seventy miles per hour and upon the expressways sixty miles per hour.".

Senator Flotron moved that the above substitute amendment be adopted.

Senator Schneider offered SA 1 to SSA 1 for SCA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2 to House Bill No. 1047, Line 4, by striking the word "seventy" and substitute the word "sixty".

Senator Schneider moved that the above amendment be adopted.

Senator Caskey raised the point of order that SA 1 to SSA 1 for SCA 2 is out of order in that the amendment is in the third degree.

Senator Quick resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Pro Tem Mathewson resumed the Chair.

SSA 1 for SCA 2 was again taken up.

Senator Flotron requested unanimous consent of the Senate to change "seventy" to "sixty" in his substitute amendment, which request was denied.

Senator Flotron requested leave of the Senate to approach the dais and correct his amendment, which request was granted.

At the request of Senator Staples, HB 1047, with SCA 2, SSA 1 for SCA 2 (pending), and SCAs 3, 4 and 5, was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Doris J. Jones, 2842 Franklin Avenue, St. Louis City, Missouri 63106, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathryn N. Vedder, Democrat, 136 N. Newstead, St. Louis City, Missouri 63108, as a member of the Missouri State Milk Board, for a term ending September 28, 1998, and until her successor is duly appointed and qualified; vice, Charles Copley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed HB 1014, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1996.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed SB 671.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred SB 728, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Moseley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred SB 605, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred SB 506, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following reports:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred SB 693, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred SB 665, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the

Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred SB 677, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred SB 766, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred SB 484, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 484, Page 2, Section 206.090, Line 45, by striking the following: "The board of"; and

Further amend lines 46 through 50, by striking all of said lines.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred SB 532, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Ethics, submitted the following report:

Mr. President: Your Committee on Ethics, to which was referred SB 501, begs leave to report that it has considered the same and recommends that the bill do pass.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 790, regarding Danny Strickland, Kansas City, which was adopted.

Senator Melton offered Senate Resolution No. 791, regarding L. Joe Scott, Poplar Bluff, which was adopted.

Senator Kenney offered Senate Resolution No. 792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs J.F. (Jim) Martin, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 793, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard L. Renick, Jr., Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 794, regarding Lucy Franklin Elementary School, Blue Springs, which was adopted.

Senator Maxwell offered Senate Resolution No. 795, regarding Clapper's Steakhouse, Shelbina, which was adopted.

Senator Caskey offered Senate Resolution No. 796, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Stangel, Rockville, which was adopted.

Senator Graves offered Senate Resolution No. 797, regarding Chillicothe Lumber Company, Chillicothe, which was adopted.

Senator Maxwell offered Senate Resolution No. 798, regarding Recycled Rubber Resources, Inc., Macon, which was adopted.

COMMUNICATIONS

Senator Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

February 2, 1996

Senator Danny Staples

Capitol Building

Jefferson City, MO 65101

Dear Senator Staples:

It is my privilege to hereby appoint you to the Board of Trustees of the Missouri Humanities Council Trust Fund.

The Board of Trustees is established in section 186.055, RSMo. The term for senators will be their current senatorial term.

Your willingness to take on this additional duty and serve the people of our great state is appreciated.

Sincerely,

James L. Mathewson

President Pro Tem

Also,

MISSOURI SENATE

Jefferson City

February 2, 1996

Senator Betty Sims

Capitol Building

Jefferson City, MO 65101

Dear Senator Sims:

It is my privilege to hereby appoint you to the Board of Trustees of the Missouri Humanities Council Trust Fund.

The Board of Trustees is established in section 186.055, RSMo. The term for senators will be their current senatorial term.

Your willingness to take on this additional duty and serve the people of our great state is appreciated.

Sincerely,

James L. Mathewson

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, the Physician of the Day, Steve Buie, M.D., Lee's Summit.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, February 6, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY--TUESDAY, FEBRUARY 6, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we pray today for courage, the kind of courage that enables us to stand up for what we believe, to speak up when it's expedient to be quiet, to resist the temptation to be ordinary, and the courage to do what we know is right. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Moseley offered Senate Resolution No. 799, regarding the University of Missouri, Columbia, which was adopted.

Senator Moseley and Senator Westfall offered Senate Resolution No. 800, regarding the death of Don Faurot, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 890--By Clay.

An Act to repeal section 379.201, RSMo 1994, relating to motor vehicle liability insurance policies, and to enact in lieu thereof one new section relating to the same subject.

SB 891--By Rohrbach, Melton, Schneider, Flotron, Goode and Ehlmann.

An Act to repeal section 67.475, RSMo 1994, and sections 67.455 and 67.457, RSMo Supp. 1995, relating to neighborhood improvement districts, and to enact in lieu thereof five new sections relating to the same subject.

SB 892--By Flotron, Moseley, Goode, Wiggins, Banks, Scott, Sims, House, Klarich, Bentley, Mueller and Singleton.

An Act to repeal sections 226.500, 226.535 and 226.540, RSMo 1994, relating to the regulation of outdoor advertising, and to enact in lieu thereof three new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Banks submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred SB 491, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred SB 492, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RE-REFERRALS

President Pro Tem Mathewson re-referred SB 819 to the Committee on Civil and Criminal Jurisprudence.

RESOLUTIONS

Senator Ehlmann offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 801

WHEREAS, the State of Missouri has been experiencing flooding of various degrees in the last three years in the Upper Mississippi River and the Lower Missouri River; and

WHEREAS, the damage which occurred as a result of said flooding would have been greater but for the flood fighting activities including temporary levees, pumping, sandbagging and other emergency protective measures; and

WHEREAS, David A. Shorr, Director of Missouri Natural Resources and Jerry B. Uhlmann, Director of Missouri Emergency Management Agency have signed a Memorandum of Agreement on "Preservation of Levee Floodways on the Upper Mississippi and Lower Missouri Rivers"; and

WHEREAS, the signatories to that agreement agree, among other things, that "flood fighting should be regulated, supervised and in some cases not permitted"; and

WHEREAS, the signatories agreed to encourage federal agencies and local units of government to adopt the principles of the agreement and exercise their authority consistent with that agreement; and

WHEREAS, the Federal Emergency Management Agency has sent a letter to the State of Missouri, dated December 12, 1995, copy of which is attached, directing the state to "amend or otherwise modify existing administrative or operating plans to reflect the principles of disagreement"; and

WHEREAS, it is the position of the Missouri Senate that the agreement is not binding on the State of Missouri when preparing for, responding to, or recovering from a flood; and

WHEREAS, Missouri's policy is and always will be to provide assistance to local governments and protecting the public and infrastructure during a flood by appropriate activities including temporary levees, pumping, sandbagging and other emergency protective measures;

THEREFORE, BE IT RESOLVED, that the Secretary of the Senate inform Warren M. Pugh, Jr., Division Director, Response and Recovery Division of the Federal Emergency Management Agency, Region 7, 2323 Grand Boulevard, Suite 900, Kansas City, Missouri, 64108-2670, that the Missouri Senate repudiates any effort by the State of Missouri to limit its ability to respond to provide assistance to local governments in protecting the public and infrastructure during a flood. And furthermore, that it should remain the policy of the State of Missouri to provide flood fighting assistance including temporary levees, pumping, sandbagging and other emergency protective measures, and further, that the Federal Emergency Management Agency make no changes to their existing response and recovery programs on the basis of the memorandum of agreement.

Senator Scott offered Senate Resolution No. 802, regarding Lieutenant William F. Kaslick, St. Louis, which was adopted.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 855--Labor and Industrial Relations.

SB 856--Labor and Industrial Relations.

SB 858--Public Health and Welfare.

SB 859--Commerce and Environment.

SB 860--Elections, Pensions and Veterans' Affairs.

SB 861--Public Health and Welfare.

SB 862--Ways and Means.

SB 863--Civil and Criminal Jurisprudence.

SB 864--Elections, Pensions and Veterans' Affairs.

SB 865--Ways and Means.

SB 866--Financial and Governmental Operations.

SB 867--Agriculture and Local Government.

SB 868--Labor and Industrial Relations.

SB 869--Judiciary.

SB 870--Transportation.

SB 871--Insurance and Housing.

SB 872--Labor and Industrial Relations.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 893--By Goode.

An Act to repeal sections 414.400, 414.403, 414.410, 414.412, and 414.415, RSMo 1994, relating to fuel conservation, and to enact in lieu thereof five new sections relating to the same subject.

SB 894--By House.

An Act to repeal sections 494.425 and 494.430, RSMo 1994, relating to jury service, and to enact in lieu thereof two new sections relating to the same subject.

SB 895--By Kinder and Russell.

An Act to repeal section 451.020, RSMo 1994, relating to domestic relations, and to enact in lieu thereof one new section relating to the same subject.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1014----Appropriations.

INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Dr. Jeffrey L. Craver, St. Louis.

Senator Rohrbach introduced to the Senate, thirty-seven fifth grade students from St. Joseph's School, Jefferson City; and Christopher Braddock, Michael Kuster, Carly Prenger, John Sheehan, Jeffrey Tolksdorf, Hiliary Turnbaugh, Joseph Vessell and Mark Weiss were made honorary pages.

Senator Caskey introduced to the Senate, Dr. Bill Haynie, Butler.

On behalf of Senator Mathewson, the President introduced to the Senate, Dr. A.J. Campbell, Sedalia; and Dr. Jerry Meyers and his wife, Jan, Concordia.

Senator Kenney introduced to the Senate, Dr. Don Potts, Dr. Fred Hahn, Dr. Howard Braby, Dr. Ken Adams and Dr. Jing Liang, Independence; and Dr. Richard Butin, Kansas City.

Senator Caskey introduced to the Senate, Mr. and Mrs. Jim Keck, Clinton.

Senator Mueller introduced to the Senate, Al Collins, Kevin Madras and five scouts from Troop 361, St. Louis; and Toby Collins, Matt King, Ryan Lilly, Kevin Madras and Rory O'Donnell were made honorary pages.

Senator Moseley introduced to the Senate, Dr. Ed Ailor, Dr. Mila Cunningham, Dr. Jennifer Clark, Dr. Dennis Knudson, Dr. Gilbert Ross and Ms. Jan Frank, Columbia.

Senator Moseley introduced to the Senate, Linda Afdahl, and seventy fifth grade students from Grant Elementary School, Columbia; and Maria Kaylen, Rajeev Gundur, Jim Ludwig and Mario Moura Filho were made honorary pages.

Senator House introduced to the Senate, the Physician of the Day, Jan Onik, D.O. and his son, Thomas, Louisiana.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, February 7, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY--WEDNESDAY, FEBRUARY 7, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, there are so many things to cause us stress and worry. We are thankful that we know the end result of our labors, which is to spend eternity with God without worry and stress. We pray that You will remind us of this fact from time to time. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Melton	Scott--2
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RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 803, regarding the death of Larry Brown Brooker, Jefferson City, which was adopted.

Senator Mueller offered Senate Resolution No. 804, regarding Health Link, Inc., which was adopted.

Senator Goode and Senator Schneider offered Senate Resolution No. 805, regarding the Eightieth Birthday of

George O'Brien Tucker, Ferguson, which was adopted.

Senator Lybyer offered Senate Resolution No. 806, regarding the Ninetieth Birthday of Thomas R. Coffey, Vienna, which was adopted.

Senator Lybyer offered Senate Resolution No. 807, regarding Quality Machine Works, Salem, which was adopted.

Senator Treppler offered Senate Resolution No. 808, regarding Philip D. Carlock, St. Louis, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 896--By Curls.

An Act to repeal section 375.700, RSMo 1994, relating to the distribution of assets of dissolved insurers, and to enact in lieu thereof one new section relating to the same subject.

SB 897--By Treppler.

An Act to repeal sections 307.020 and 307.040, RSMo 1994, relating to motor vehicle traffic regulations, and to enact in lieu thereof two new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred SB 671, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Senator Quick assumed the Chair.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 898--By Flotron.

An Act to repeal section 408.300, RSMo 1994, relating to time charges on retail time contracts, and to enact one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SCS for SB 857, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 857

An Act to repeal sections 169.010 and 169.600, RSMo 1994, and sections 169.030 and 169.620, RSMo Supp. 1995, relating to teacher retirement, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up by Senator Johnson.

On motion of Senator Johnson, SCS for SB 857 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Clay	Ehlmann	Kinder--3
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Absent with leave--Senators

Melton	Scott--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators

Melton Scott--2

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SCS for SB 735, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 735

An Act to repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up by Senator Flotron.

On motion of Senator Flotron, SCS for SB 735 was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Melton Scott--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Melton	Scott--2
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On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 575, introduced by Senator McKenna, entitled:

An Act to repeal section 197.318, RSMo 1994, relating to certificate of need, and to enact one new section relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator McKenna, SB 575 was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator House--1

Absent with leave--Senators

Melton Scott--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

House Moseley--2

Absent with leave--Senators

Melton Scott--2

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Mathewson offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 809

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the

interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of March 7, 8 and 9, 1996.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 899--By Sims.

An Act to amend chapter 376, RSMo, by adding one new section relating to chemical dependency services.

SB 900--By Johnson.

An Act to repeal section 104.090, RSMo 1994, relating to retirement of state officers and employees, and to enact in lieu thereof one new section relating to the same subject.

SB 901--By Flotron and McKenna.

An Act to repeal sections 148.330 and 148.350, RSMo 1994, relating to taxation of financial institutions, and to enact in lieu thereof eleven new sections relating to the same subject, with an effective date for certain sections.

RESOLUTIONS

Senator Schneider, Senator Goode and Senator Flotron offered the following resolution:

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 14th District of the one day Notice required by Rule 97 of intent to put a Motion To Adopt the Following Rule change:

SENATE RESOLUTION NO. 810

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that Senate Rule 96 be amended to read as follows:

"Rule 96. In cases not provided for in these rules, the senate shall be governed by the rules laid down in [compend of the rules] the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment.".

President Pro Tem Mathewson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred HB 1014, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and SB 671, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 671, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

COMMUNICATIONS

President Pro Tem Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

February 6, 1996

Senator Jim Mathewson

President Pro Tem

State Capitol Building

Room 326

Jefferson City, MO 65101

Dear Senator Mathewson:

I do hereby request for you to accept my resignation from your standing committees on Ways and Means, Labor and Industrial Relations and State Budget Control, effective February 7, 1996.

Sincerely,

/s/ John

John E. Scott

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, the Physician of the Day, Scott Turner, M.D., Osceola.

Senator Staples introduced to the Senate, Stan and Linda Blake, Farmington.

Senator Rohrbach introduced to the Senate, Dr. John Ditto, Jefferson City.

Senator Sims introduced to the Senate, Ann Laird, St. Louis.

Senator Bentley introduced to the Senate, Jan Handley, Springfield.

Senator Kenney introduced to the Senate, Ed Kruse, Independence.

Senator Banks introduced to the Senate, Kristin Denise Rogers, St. Louis.

Senator Sims introduced to the Senate, Jane Kerlagon, Jane Kasten, and ninety eighth grade students from

Pattonville Holman Middle School, St. Louis County, and McKinley Classical Junior Academy, St. Louis; and Marvin Fowler, Jackie Tyler, Tiana Terry and Jason Poelker were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, February 8, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY--THURSDAY, FEBRUARY 8, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we pray that You will be with Senator Scott, his wife and family, and cause them to know that You are near. With all of the matters important to us, none is equal to our family. We are thankful for the prospect of being with our family. We are thankful for their love. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

House	Melton	Scott--3
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RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 811, regarding Anson Implement, Inc., Higginsville, which was adopted.

Senator Mathewson offered Senate Resolution No. 812, regarding Don W. Abney, Sedalia, which was adopted.

Senator Graves offered Senate Resolution No. 813, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Otis R. Baker, Grant City, which was adopted.

Senator Graves offered Senate Resolution No. 814, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. David Bradley, Linneus, which was adopted.

Senator Graves offered Senate Resolution No. 815, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Stewart, Pollock, which was adopted.

Senator Graves offered Senate Resolution No. 816, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Woodrow Jackson, Galt, which was adopted.

Senator Singleton offered Senate Resolution No. 817, regarding Evelyn Leggitt, Carthage, which was adopted.

Senator Singleton offered Senate Resolution No. 818, regarding Mable Van Hooser, Jasper County, which was adopted.

Senator Treppler offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 819

WHEREAS, on Wednesday, January 24, 1996, the citizens of St. Louis County witnessed the end of an era with the final issue of Naborhood Link News; and

WHEREAS, for more than sixty-five years, Naborhood Link News experienced the privilege of serving countless loyal readers in the St. Louis County communities of Carondelet, Lemay, Oakville, Jefferson Barracks, Mehlville, Affton, Concord Village, and sections in between; and

WHEREAS, the Naborhood Link News was founded in 1930 shortly after the onset of the Great Depression by Edward and Adelaide Schertel, who marked the beginning of a proud family tradition in business that would span three generations; and

WHEREAS, Edward and Adelaide Schertel distinguished themselves through the hard work and the steadfast commitment they so consistently displayed in the operation of the publication, which they passed on to their son, Vernon G. Schertel, and which he in turn passed on to his sons, Vernon E. "Bud" Schertel and his brother, Allen Schertel; and

WHEREAS, under the able direction of these Schertel family members, the Naborhood Link News has enjoyed a faithful readership comprised of numerous grateful subscribers, all of whom have come to rely on the constant source of "positive" news; and

WHEREAS, the Naborhood Link News takes great pride in the tremendous success it has enjoyed over the years as a community advocate which strongly supported the local schools, the fire districts, and the various organizations, as well as the government; and

WHEREAS, the Schertel family leaves the Naborhood Link News with the knowledge and the satisfaction that good, unbiased news came into the homes of countless citizens over the course of the past six and one-half decades:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join unanimously in expressing sincere appreciation and deep gratitude to the Schertel family for the innumerable lives they have touched during the sixty-five-year history of publishing the Naborhood Link News; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Schertel family.

Senator Wiggins assumed the Chair.

Senator Schneider moved that **SR 810** be taken up for adoption, which motion prevailed.

Senator Schneider moved that **SR 810** be adopted.

Senator Mathewson offered **SS** for **SR 810**:

SENATE SUBSTITUTE FOR
SENATE RESOLUTION NO. 810

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that Senate Rule 60 be amended to read as follows:

"Rule 60. An amendment shall not go beyond the second degree to an original bill. **For purposes of this rule, an amendment to an amendment, a senate substitute amendment for a floor or committee amendment, or an amendment to a senate substitute for a senate substitute for a bill is in the second degree. An amendment in the second degree may only be amended to correct obvious technical or clerical errors.**

All amendments adopted by either house to a bill pending and originating in the same shall be incorporated in the bill, and the bill as perfected shall before the third reading and final passage, be printed for the use of the members. The printing of bills ordered to third reading and final passage shall be under the supervision of the Committee on Rules, Joint Rules and Resolutions, whose report shall set forth that they find the printed copy of such bills as theretofore agreed and furnished for the use of the members is correct. A correct record of each day's proceedings in each house shall be furnished for the use of the members of the general assembly before the record is approved and no bill shall be signed by the presiding officer of either house until such printed copy thereof shall have been furnished for the use of the members of the general assembly and the record of the previous day shall have been approved. When agreed to by both houses, the bill as finally passed shall be typed or printed and signed by the presiding officer of each house and transmitted to the governor."

Senator Mathewson moved that **SS** for **SR 810** be adopted.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 810, Rule 60, Lines 3 and 4, by striking the words: "a senate substitute amendment for a floor or committee amendment".

Senator Schneider moved that the above amendment be adopted.

Senator McKenna raised the point of order that **SA 1** is out of order in that a substitute amendment cannot be perfected.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SS for **SR 810** was again taken up.

Senator Mathewson moved that **SS** for **SR 810** be adopted, which motion failed by the following vote:

Yeas--Senators

Caskey	Curls	DePasco	Johnson
Mathewson	Moseley	Quick	Russell
Singleton	Staples	Westfall	Wiggins--12

Nays--Senators

Banks	Bentley	Clay	Ehlmann
Flotron	Goode	Graves	Howard
Kenney	Kinder	Klarich	Lybyer
Maxwell	McKenna	Mueller	Rohrbach

Schneider Sims Treppler--19

Absent--Senators--None

Absent with leave--Senators

House Melton Scott--3

SR 810 was again taken up.

Senator Schneider moved that the above resolution be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Mueller
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Quick--1

Absent--Senators

Johnson--1

Absent with leave--Senators

House Melton Scott--3

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 902--By Sims.

An Act to amend chapter 376, RSMo, relating to health care benefits, by adding one new section relating to the same subject.

SB 903--By Clay.

An Act to amend chapter 431, RSMo, relating to certain construction indemnity agreements by adding thereto one new section relating to the same subject.

SB 904--By Quick.

An Act to repeal section 64.905, RSMo 1994, relating to planning and zoning in certain counties, and to enact in lieu thereof one new section relating to the same subject.

SB 905--By Quick.

An Act to repeal sections 301.550, 301.555, 301.557, 301.559, 301.562, 301.563, 301.564, 301.565, 301.566, 301.572 and 301.573, RSMo 1994, and sections 301.553, 301.560 and 301.570, RSMo Supp. 1995, relating to the Missouri motor vehicle commission, and to enact in lieu thereof twelve new sections relating to the same subject, with an effective date.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jeffrey D. Cawlfeld, John H. Winter, M.D. and Terry L. Ware, as members of the Dam and Reservoir Safety Council;

Also,

Janet P. Handley, Ann D. Laird, Ed Kruse, Jacqueline Scott Hartman and John L. Ditto, Jr., M.D., as members of the Board of Examiners for Hearing Instrument Specialists;

Also,

Joseph L. Driskill, Palmer R. "Nick" Nichols II, Stephen M. Poort, Daniel J. "Duke" McVey and Milton J. Bischof, Jr., as members of the Missouri Training and Employment Council;

Also,

Dorothy (Dottie) Ann Phelps, as a public member and Linda Blake, as a member of the Real Estate Appraisers Commission;

Also,

Paul Lineberry, as a public member of the State Board of Nursing.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 479**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 837**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 789**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 19**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 19, Page 120 of the Senate Journal for January 25, 1996, the last line of column 2, by striking the words "Joint Chief"; and further on page 121, line 1 of column 1, by striking "of Staff, United States Navy" and inserting in lieu thereof "**Chief of Naval Operations**".

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SJR 31**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Staples moved that **HB 1047**, with **SCA 2**, **SSA 1** for **SCA 2** (pending), and **SCAs 3, 4** and **5**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SCA 2** was again taken up.

Senator Schneider offered **SA 1** to **SSA 1** for **SCA 2**:

SENATE AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Committee Amendment No. 2 to House Bill No. 1047, Line 4, by striking the word "sixty-five" and substitute the word "sixty".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Staples, **HB 1047**, with **SCA 2**, **SSA 1** for **SCA 2** and **SA 1** to **SSA 1** for **SCA 2** (pending), and **SCAs 3, 4** and **5**, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 40**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri, relating to the executive department, and adopting two new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

President Pro Tem Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

February 5, 1996

The Honorable James Mathewson

Senate Pro Tem

Capitol Building

Jefferson City, MO 65101

Dear Jim:

Please accept my resignation from the Missouri Health Facilities Review Committee effective immediately. The meeting today completed a full year of service on the committee and I believe this would be a good time to offer the opportunity to serve to another member of the Senate.

I have worked hard, done my best and am pleased with the opportunity to have served.

Sincerely yours,

/s/ Ted House

TED HOUSE

State Senator

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Jack, Linda and James Krepps, Malden.

Senator Staples introduced to the Senate, a group of citizens from Bonne Terre.

Senator Howard introduced to the Senate, Kenneth Allen and Scott Perry, Bloomfield.

Senator Lybyer introduced to the Senate, Justin Mutrux, and twenty-two eighth grade students from Raymondville R-VII School, Raymondville.

Senator Rohrbach introduced to the Senate, Mandy Henson, Lake Ozark.

Senator Graves introduced to the Senate, the Physician of the Day, Dr. James Humphrey, Mound City.

Senator Sims introduced to the Senate, Jane Kerlagon, St. Louis Public Schools; Jayne Kasten, Pattonville School District; and ninety eighth grade students from Pattonville Holman Middle School, St. Louis County, and McKinley

Classical Junior Academy, St. Louis; and Lily Manumaleuna and Julie Sapp were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, February 12, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY--MONDAY, FEBRUARY 12, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we have been sitting at Your table for a long time. We have received no bill for all of the good things You have given us to eat. We haven't paid the rent for our home-the good earth. How could we pay for our families and friends? Most of all, we are thankful for You. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 8, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick moved that **SR 789** be taken up for adoption, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Quick moved that **SR 789** be adopted, which motion failed by the following vote:

Yeas--Senators

DePasco	Goode	Howard	Johnson
Lybyer	Maxwell	Melton	Moseley
Mueller	Quick	Staples	Treppler--12

Nays--Senators

Banks	Bentley	Caskey	Clay
Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Mathewson
McKenna	Rohrbach	Russell	Schneider
Sims	Singleton	Westfall	Wiggins--20

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

Senator McKenna offered Senate Resolution No. 820, regarding the Eightieth Birthday of Edgar J. Naes, Barnhart, which was adopted.

Senator Graves offered Senate Resolution No. 821, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Harold J. Nixon, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 822, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Crist, Winigan, which was adopted.

Senator Graves offered Senate Resolution No. 823, regarding the One Hundred Third Birthday of Nellie M. Hawkins, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 824, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Nolan Dixon, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 825, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Ballew, Eagleville, which was adopted.

Senator Graves offered Senate Resolution No. 826, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Casady, Unionville, which was adopted.

Senator Graves offered Senate Resolution No. 827, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Larabee, Clearmont, which was adopted.

Senator Graves offered Senate Resolution No. 828, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Copple, Breckenridge, which was adopted.

Senator Graves offered Senate Resolution No. 829, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Cleo Webber, Unionville, which was adopted.

Senator Singleton offered the following resolution:

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the 32nd District of the one day Notice required by Rule 97 of intent to put a Motion to Adopt the Following Rule change:

SENATE RESOLUTION NO. 830

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that the Rules of the Senate be amended as follows:

"Rule 102. A former member of the Senate shall not perform duties as a legislative lobbyist as defined by law with regard to any individual Senators, group of Senators or any committee of the Senate for at least two full years after he retires from the Senate.

Rule 103. No lobbyist or lobbyist principal as defined by law shall purchase or provide meals, food, beverage or any other gift or contribution, except contributions made pursuant to Chapter 130, RSMo, during any Regular, Extraordinary or Veto Session of the General Assembly."

Senator Graves offered Senate Resolution No. 831, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Denzel Richards, Lake Nehai, which was adopted.

Senator Graves offered Senate Resolution No. 832, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dale Davidson, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 833, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Archie Young, Eagleville, which was adopted.

Senator Graves offered Senate Resolution No. 834, regarding the One Hundredth Birthday of Hazel Dell Long, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 835, regarding the Fifty-ninth Wedding Anni-versary of Mr. and Mrs. Earl Peregrine, Elmo, which was adopted.

Senator Graves offered Senate Resolution No. 836, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ralph Zech, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 837, regarding the One Hundred Third Birthday of Nellie Linville, Mound City, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 630**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 589**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 589, Page 3, Section 386.310, Line 51 by striking the word "and"; and further on line 53, by inserting immediately after the word "an" the following: "**intrastate and**"; and

Further on line 55, striking the period "." and inserting in lieu thereof the following: ";

(3) Intrastate natural gas facilities owned and operated by interstate natural gas pipeline companies serving direct sales customers would be subject to enforcement of federally mandated pipeline safety standards; and

(4) Operators and owners of gas plants where natural gas is supplied directly or indirectly, other than for consumption by and on the property of the supplier, to institutional buildings including, but not limited to, schools and hospitals."

On behalf of Senator Wiggins, Chairman of the Committee on Ways and Means, Senator Staples submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 818**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 850**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 842**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 642** and **SB 819**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 702**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 702, Page 1, In the Title, Line 4, by inserting after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 3, Section 21.537, Line 31, by inserting after all of said line the following:

"Section B. Because immediate action is necessary to ensure the continuity of oversight for state capital improvement projects and leases, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 835**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 835, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 351.750, RSMo 1994, and sections 351.200, 351.245, 351.250, 351.265, 351.320, 351.478 and 351.482, RSMo Supp. 1995, relating to"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "Sections" and inserting in lieu thereof the following: "Section 351.750, RSMo 1994, and sections"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the following "351.482, 351.483 and 351.488" and inserting in lieu thereof the following: "and 351.482"; and

Further amend said bill, Page 1, Section A, Line 5, by deleting the number "351.488" and inserting in lieu thereof the number "351.750"; and

Further amend said bill, Page 8, Section 351.320, Line 10, by deleting the word "**present**" and inserting in lieu thereof the word "**presented**"; and

Further amend said bill, Page 8, Section 351.478, Line 17, by deleting the following: "**which is dissolved after authorization and which has been**"; and

Further amend said bill, Page 9, Section 351.482, Line 20, by deleting the following: "**which is dissolved after authorization and which has been**"; and

Further amend said bill, Pages 10 through 12, Sections 351.483 and 351.488, by deleting all of said sections and inserting in lieu thereof the following:

"351.750. 1. The provisions of this chapter apply to statutory close corporations to the extent not inconsistent with the provisions of sections 351.750 to 351.865.

2. Sections 351.750 to 351.865 apply to professional corporations organized under chapter 356, RSMo, whose articles of incorporation contain the statement required by subsection 1 of section 351.755, except insofar as chapter 356, RSMo, contains inconsistent provisions.

3. Sections 351.750 to 351.865 do not repeal or modify any statute or rule of law that is or would apply to a

corporation that is organized under this chapter or chapter 356, RSMo, and that does not elect to become a statutory close corporation under section 351.755.

4. Sections 351.750 to 351.865 apply to all corporations electing statutory close corporation status as provided in section 351.755 after August 28, 1990, **and are controlling in the absence of a valid agreement to the contrary.**".

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 720, Page 2, Section 536.050, Line 34, by adding after said line the following:

"Provided, however, that the provisions of this subsection 2 shall not apply to any matter covered by Chapters 288, 302, and 303, RSMo."

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 664**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 664, Page 2, Section 381.410, Lines 18-23 by striking all of said lines and inserting in lieu thereof the following:

"(4) "Financial institution":

(a) A person or entity doing business under the laws of this state or the United States relating to banks, trust companies, savings and loan associations, credit unions, commercial and consumer finance companies, industrial loan companies, insurance companies, small business investment corporations licensed pursuant to the Small Business Investment Act of 1958 (15 U.S.C. Section 661, et seq.), as amended, or real estate investment trusts as defined in 26 U.S.C. Section 856, as amended, or institutions constituting the Farm Credit System pursuant to the Farm Credit Act of 1971 (12 U.S.C. Section 2000, et seq.), as amended, or any person which services loans secured by liens or mortgages on real property, which person may or may not maintain a servicing portfolio for such loans; or

(b) The following persons or entities if their principal place of business is in Missouri or a state which is contiguous to Missouri:

a. A mortgage loan company which is subject to licensing, supervision or auditing by the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation, or the United States Veterans Administration, or the Government National Mortgage Association, or the United States Department of Housing and Urban Development, or a successor of any of the foregoing agencies or entities, as an approved seller or servicer; or

b. A person or entity acting as a mortgage loan company pursuant to court order;".

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 731**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 731, Page 3, Section 287.160, Line 56 by striking the word "knowledge" and inserting in lieu thereof the word "**notice**"; and further amend said line, by inserting immediately after the word "injury" the following: "**pursuant to section 287.420**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 731, Page 3, Section 287.160, Line 60 by striking all of said line and inserting in lieu thereof the following: "**December 31, 1997**".

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 783**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 803**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following reports:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 715**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 670**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 846**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 683**, begs leave to report that it has considered the same and recommends that the bill do pass.

COMMITTEE APPOINTMENTS

President Pro Tem Mathewson submitted the following:

February 12, 1996

Mrs. Terry Spieler
Secretary of Senate
Room 325, State Capitol
Jefferson City, MO 65101

Dear Mrs. Spieler:

Due to the February 7, 1996, effective resignation of Senator John Scott from three standing committees, it is my pleasure to hereby appoint the following Senators to fill those vacancies.

Labor and Industrial Relations Committee --Senator Joe Maxwell and Senator Ronnie DePasco will become Vice-Chair.

State Budget Control Committee --Senator Ed Quick

Ways and Means Committee --Senator Ted House

Your willingness to serve the people of Missouri is appreciated.

Sincerely,

/s/ Jim

James L. Mathewson

President Pro Tem

SENATE BILLS FOR PERFECTION

SB 551 and **SB 639**, with **SCS**, were placed on the Informal Calendar.

Senator Banks moved that **SB 763** and **SB 545**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 763** and **545**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 763 and 545

An Act to repeal section 376.406, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of improving access to immunization for children.

Was taken up.

Senator Banks moved that **SCS** for **SBs 763** and **545** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 763 and 545, Page 5, Section 376.407, Lines 93-104 of said page, by striking all of said lines; and further by renumbering the remaining subsection accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 763 and 545, Page 2, Section 376.406, Line 48, by inserting immediately after said line, the following:

"7. This section shall not apply to supplemental insurance policies, including accident-only policies, specified disease policies, hospital policies providing a fixed daily benefit only, Medicare supplement policies, and long-term care policies."

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 763 and 545, Page 1, Section A, Line 3, by inserting immediately after said line, the following:

"167.181. 1. The department of health, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the immunization against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, [and] diphtheria **and hepatitis B**, to be required of children attending public, private, parochial or parish schools. The immunizations required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health shall supervise and secure the enforcement of the required immunization program.

2. It is unlawful for any student to attend school unless he has been immunized as required under the rules and regulations of the department of health, and can provide satisfactory evidence of such immunization; except that if he produces satisfactory evidence of having begun the process of immunization, he may continue to attend school as long as the immunization process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child immunized as required by this section, unless the child is properly exempted.

3. This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the immunization of the child, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator.

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the immunization status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be immunized against diseases as required by the rules and regulations promulgated hereunder shall be reported by the school superintendent to the department of health.

5. The immunization required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be immunized at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of immunization paid through the state medicaid program, private insurance or in a manner to be determined by the department of health subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630, RSMo.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health from general revenue or from federal funds if available.

7. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 763 and 545, Page 2, Section 376.406, Lines 19-23, by striking the word "at" from line 19 and by striking all of lines 20-23 and inserting in lieu thereof the following: "**those immunizations as recommended by the Immunization Practices Advisory Committee. The**".

Senator Bentley moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Banks moved that **SCS** for **SBs 763** and **545**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **SBs 763** and **545**, as amended, was declared perfected and ordered printed.

Senator Sims moved that **SB 547** be taken up for perfection, which motion prevailed.

Senator Sims offered **SS** for **SB 547**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 547

An Act to repeal sections 557.036, 558.018 and 558.021, RSMo 1994, and section 566.607, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SB 547** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 547, Page 1, Section A, Line 4, by adding the following after the number 566.607 the following: "This Act shall be known as the Elissa Self-Braun Act".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 547, Page 10, Section 558.023, Line 21, by adding at the end thereof, the following:

"10. The Department of Corrections, pursuant to this act, may not furlough an individual found to be a persistent sexual offender or predatory sexual offender under Section 558.018, once the court has sentenced said individual under Section 558.023.".

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Sims, **SB 547**, with **SS** and **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth A. Michel, 2033 Schweitzer, Poplar Bluff, Butler County, Missouri 63901, as a member of the Drug Utilization Review Board, for a term ending October 15, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Julie A. Relford, 812 South Bradford, Kirksville, Adair County, Missouri 63501, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Julie A. Relford, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Arthur F. Shinn, 630 Clovertrail Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 9, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gloria Ann Wilson, 2220 Bradley Street, Poplar Bluff, Butler County, Missouri 63901, as a member of the Foster and Residential Care Facility Placement Task Force, for a term ending January 1, 1996; vice, Gloria Ann Wilson, withdrawn.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 873--Civil and Criminal Jurisprudence.

SB 874--Appropriations.

SB 875--Commerce and Environment.

SB 876--Financial and Governmental Operations.

SB 877--Public Health and Welfare.

SB 878--Appropriations.

SB 879--Ways and Means.

SB 880--Public Health and Welfare.

SB 881--Elections, Pensions and Veterans' Affairs.

SB 882--Education.

SB 883--Public Health and Welfare.

SB 884--Aging, Families and Mental Health.

SB 885--Civil and Criminal Jurisprudence.

SB 886--Financial and Governmental Operations.

SB 887--Commerce and Environment.

SB 888--Ways and Means.

SB 889--Labor and Industrial Relations.

SB 890--Insurance and Housing.

SB 891--Agriculture and Local Government.

SB 892--Commerce and Environment.

SB 893--Commerce and Environment.

SB 894--Judiciary.

SB 895--Civil and Criminal Jurisprudence.

SB 896--Insurance and Housing.

SB 897--Transportation.

SB 898--Corrections and General Laws.

SB 899--Public Health and Welfare.

SB 900--Elections, Pensions and Veterans' Affairs.

SB 901--Financial and Governmental Operations.

SB 902--Public Health and Welfare.

SB 903--Labor and Industrial Relations.

SB 904--Agriculture and Local Government.

SJR 35--Ways and Means.

SJR 36--Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, the Physician of the Day, Robert Mason, D.O., Lake Ozark.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, February 13, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY--TUESDAY, FEBRUARY 13, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we come together with different ideas and different approaches to solve the problems of our state. Help us to find common ground to do what is best. We pray that our efforts together might be blessed. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Scott offered Senate Resolution No. 838, regarding former Senator Allan Mueller, which was adopted.

Senator Bentley offered Senate Resolution No. 839, regarding the Parenting Life Skills Center, Springfield, which

was adopted.

Senator Singleton moved that **SR 830** be taken up for adoption, which motion prevailed.

Senator Singleton offered **SS** for **SR 830**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 830

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that the Rules of the Senate be amended as follows:

"Rule 103. No lobbyist or lobbyist principal as defined by law shall purchase or provide meals, food, beverage or any other gift or contribution, except contributions made pursuant to Chapter 130, RSMo, during any Regular, Extraordinary or Veto Session of the General Assembly."

Senator Singleton moved that **SS** for **SR 830** be adopted.

Senator Staples offered **SS** for **SS** for **SR 830**, which was read:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 830

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that the Rules of the Senate be amended as follows:

"Rule 103. All lobbyist or lobbyist principal as defined by law shall purchase or provide meals, food, beverage or any other gift or contribution, except contributions made pursuant to Chapter 130, RSMo, during any Regular, Extraordinary or Veto Session of the General Assembly."

Senator Staples moved that **SS** for **SS** for **SR 830** be adopted.

At the request of Senator Staples, the above substitute was withdrawn.

Senator Staples raised the point of order that **SS** for **SR 830** and **SR 830** are out of order in that the Senate cannot legislate by rules.

The point of order was referred to the President Pro Tem.

At the request of Senator Staples, the point of order was withdrawn.

SS for **SR 830** was again taken up.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 830, Page 1, by striking the underlined and inserting in lieu thereof the following:

"Rule 103. Effective April 15, 1996, no member of the Senate shall accept meals, food, beverage or any other gift or contribution except those reported pursuant to 105.470, 4(2)(c) RSMo from a lobbyist or lobbyist principal during any Regular, Extraordinary or Veto Session of the General Assembly. Any member who violates this rule may satisfy the rule by reimbursing said lobbyist."

Senator Flotron moved that the above amendment be adopted.

At the request of Senator Singleton, the motion to adopt **SS** for **SR 830** was withdrawn.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 906--By Kenney.

An Act to repeal section 190.010, RSMo 1994, relating to ambulance districts, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

SB 907--By Westfall.

An Act to amend chapter 190, RSMo, relating to emergency telephone services by adding thereto one new section relating to the same subject, with penalty provisions.

SB 908--By House.

An Act to repeal section 190.335, RSMo 1994, relating to central dispatching for emergency services, and to enact in lieu thereof three new sections relating to the same subject.

SB 909--By Maxwell.

An Act to repeal section 321.322, RSMo 1994, relating to fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

SB 910--By Maxwell.

An Act to repeal section 620.482, RSMo Supp. 1995, relating to economic development, and to enact in lieu thereof seventeen new sections relating to the same subject.

SB 911--By Wiggins.

An Act to repeal sections 172.035, 174.055, and 175.021, RSMo 1994, relating to student representatives on the governing boards of certain institutions of higher education, and to enact in lieu thereof three new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 763** and **545**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

Senator Staples moved that **HB 1047**, with **SCA 2**, **SSA 1** for **SCA 2** and **SA 1** to **SSA 1** for **SCA 2** (pending), and **SCAs 3, 4, and 5**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Wilson assumed the Chair.

SA 1 to **SSA 1** for **SCA 2** was again taken up.

Senator Wiggins resumed the Chair.

Senator Schneider moved that **SA 1** to **SSA 1** for **SCA 2** be adopted, which motion prevailed on a standing division vote.

SSA 1 for **SCA 2**, as amended, was again taken up.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 4 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 5 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1047, Page 2, Section 304.010, Line 19, by inserting immediately after said line the following:

"(4) All other federally designated rural highways of this state and not provided by in subdivisions (1) to (3) of this subsection, sixty miles per hour;"; and

Further amend line 20, by striking "(4)" and inserting in lieu thereof **"(5)"**; and

Further amend line 21, by striking "(3)" and inserting in lieu thereof **"(4)"**; and

Further amend line 22, by striking "(5)" and inserting in lieu thereof **"(6)"**; and

Further amend line 22, by striking "(4)" and inserting in lieu thereof **"(5)"**.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SS** for **HB 1047**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

An Act to repeal sections 301.150, 302.301, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 304.580, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty- three new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Senator Caskey moved that **SS** for **HB 1047** be adopted.

Senator Caskey offered **SS** for **SS** for **HB 1047**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

An Act to repeal sections 301.150, 302.301, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 304.580, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-three new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Senator Caskey moved that **SS** for **SS** for **HB 1047** be adopted.

Senator Caskey offered **SS** for **SS** for **SS** for **HB 1047**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

An Act to repeal sections 301.150, 302.301, 304.012, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-three new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Senator Caskey moved that **SS** for **SS** for **SS** for **HB 1047** be adopted.

Senator Goode raised the point of order that **SS** for **SS** for **SS** for **HB 1047** is out of order in that it is in the 3rd degree.

The point of order was referred to the President Pro Tem, who took it under advisement, placing **HB 1047**, with **SS**, **SS** for **SS**, **SS** for **SS** for **SS** and the point of order (pending), on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 904, 788** and **966**, entitled:

An Act to repeal section 376.995, RSMo 1994, and section 167.181, RSMo Supp. 1995, and to enact in lieu thereof five new sections for the purpose of improving access to immunizations for children.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 846**, entitled:

An Act to repeal sections 105.483 and 105.487, RSMo 1994, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 506** and **SB 769** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Mary Padgett, Branson; Monica Witt, Springfield; Lindsey Anderson, Monett; Kobry Crawford, Highlandville; and Casey Dycus, Springfield; and Lindsey, Kobry and Casey were made honorary pages.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Paul Andelin, his wife, Judy, and children Daniel, Scott, Benjamin, Hannah, Mary Beth, David and Crystal, Pierce City; and Nancy Smith-Leach and her daughter, Emily, Aurora.

Senator Caskey introduced to the Senate, Larry and Jean Shannon, Cleveland.

Senator Rohrbach introduced to the Senate, Guennadi Makine, Deputy Director of Voronezh Oblast; and Voronezh Regional Russian Agriculture Administrators, Vassili Avdeev, Nikolai Jmykhov, Victor Neretine, Victor Massioutine, Albert Vislogouzov, Youri Titov, Ivan Chevtsov, Victor Chevtsov, Alexei Chevtsov, Nikolai Podkolzine, Alexei Chtcherbinine, Evgueni Kalinine, Valeri Tchernykh, Ivan Manankov, Nikolai Choutkine, Guennadi Voskresenski and Ivan Vorobiev.

Senator Lybyer introduced to the Senate, David, Jodie, Lawton and Arhen Woosley, Houston.

Senator Bentley introduced to the Senate, Terry Bond, Jenelle Buxton, Gwen Jones and Steve Pennington, Springfield.

On behalf of Senator Wiggins, the President introduced to the Senate, Jane Gibler, and a group of teachers from Grandview.

Senator Treppler introduced to the Senate, Paul Brother, St. Louis County.

Senator Singleton introduced to the Senate, Jane Keeter, Monett; Susan Wagner, Judy Fisher and Don Campbell, Carthage; and Patricia Phillips, Pierce City.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY--WEDNESDAY, FEBRUARY 14, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for the privilege of having someone to love and having someone to love us. We are thankful that even if we lose that special someone the love remains in our heart. On this Valentine's Day, we give thanks for true love. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Banks moved that the Senate Journal for Tuesday, February 13, 1996, be corrected on page 195, column 2, line 27, by adding the following:

"REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 773**, begs leave to report that it has considered the same and recommends that the bill do pass.", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 840, regarding John Q. Hammons, which was adopted.

Senator Mathewson offered Senate Resolution No. 841, regarding National TRIO DAY, which was adopted.

Senator Moseley offered Senate Resolution No. 842, regarding Mr. Walter F. Pfeffer, II, LUTCF, Columbia, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 20

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, that the Secretary of State of Missouri shall prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Eighty-eighth General Assembly, First and Second Regular Sessions and extra sessions, if any, and shall examine the printed copies and compare them with and correct the same by the original rolls and note all errors, if any, which have been committed and cause errata thereof to be annexed, together with an attestation under the hand of the Secretary of State that she has compared the same and the original rolls in her office and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding shall be substantially the same as used in prior session laws and the size and style of type shall be determined by the Secretary of State; and

BE IT FURTHER RESOLVED that the Secretary of State is authorized to print and bind up to two thousand five hundred (2,500) copies of the acts and resolutions of the Eighty-eighth General Assembly with appropriate indexing.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 912--By Mathewson.

An Act to repeal sections 205.969, 205.970, 205.971 and 205.972, RSMo 1994, and section 205.968, RSMo Supp. 1995, relating to services for persons with developmental disabilities, and to enact five new sections relating to the same subject.

SB 913--By Howard.

An Act to repeal sections 195.010, 195.050, 195.060, 195.070, 195.100, 195.110, 195.204, 195.400, 337.015, and 338.010, RSMo 1994, relating to psychologists, and to enact in lieu thereof eleven new sections relating to the same subject.

HOUSE BILLS ON THIRD READING

HB 1014, with **SCS**, introduced by Representative Lumpe, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1996.

Was taken up by Senator Lybyer.

SCS for **HB 1014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 1996.

Was taken up.

Senator Lybyer moved that **SCS** for **HB 1014** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1014, Page 4, Section 14.045, Line 8, by deleting said line and inserting in lieu thereof the following line:

"From Youth Opportunities and Violence

Prevention Fund.....1 E".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Maxwell offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1014, Page 7, Section 14.100, Line 5, by deleting the number "477,933" and inserting in lieu thereof the number "460,133" and further amend said section, line 6, by deleting the number "499,683" and inserting in lieu thereof the number "481,883".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1014, Page 10, Section 14.165, by inserting immediately after said section the following new section:

"Section 14.167. To the Attorney General

For expenses related to Federal Clean

Air Act cases

Personal Service and/or Expense and Equipment

From General Revenue Fund.....\$75,000".

Senator McKenna moved that the above amendment be adopted.

Senator Lybyer offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 1014, Page 10, Section 14.165, by inserting immediately after said section the following new section:

"Section 14.167. To the Attorney General

For expenses related to Federal Clean

Air Act cases

Personal Service and/or Expense and Equipment

From General Revenue Fund.....\$8,186".

Senator Lybyer moved that the above substitute amendment be adopted, which motion prevailed.

President Wilson resumed the Chair.

At the request of Senator Lybyer, **HB 1014**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

President Pro Tem Mathewson ruled the pending point of order on **SS** for **SS** for **SS** for **HB 1047** not well taken.

SS for **SS** for **SS** for **HB 1047** was again taken up.

At the request of Senator Caskey, **SS** for **SS** for **SS** for **HB 1047** was withdrawn.

At the request of Senator Caskey, **SS** for **SS** for **HB 1047** was withdrawn.

SS for **HB 1047** was again taken up.

Senator Caskey offered **SS No. 2** for **SS** for **HB 1047**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

An Act to repeal sections 301.150, 302.301, 304.012, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-three new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Senator Caskey moved that **SS No. 2** for **SS** for **HB 1047** be adopted.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, Page 7, Section 304.010.3, Line 22, by inserting after "state" on said line the words "and federal".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Treppler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, Page 7, Section 304.010, Line 7, by inserting immediately after said line the following:

"2. Notwithstanding the provisions of subsection 1 of this section, no truck as defined in section 301.010, RSMo, registered for a gross weight of over twenty-four thousand pounds shall exceed a speed which is five miles per hour less than the posted limit for other vehicles, except that no such truck shall be limited to less than fifty-five miles per hour by this subsection."; and further by renumbering the remaining subsections accordingly.

Senator Treppler moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, Page 6, Section 304.010, Line 20, by striking "seventy" and substitute "sixty-five".

Senator Schneider moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Flotron, Russell and Staples.

SSA 1 for **SA 2** failed of adoption by the following vote:

Yeas--Senators

Banks	Goode	House	Mueller
Schneider	Treppler--6		

Nays--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Westfall	Wiggins--27	

Absent--Senators--None

Absent with leave--Senator Scott--1

SA 2 was again taken up.

Senator Treppler moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken and was joined in his request by Senators Russell, Melton, Treppler and Lybyer.

SA 2 failed of adoption by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Goode
House	Mueller	Schneider	Sims
Treppler	Wiggins--10		

Nays--Senators

Caskey	Curls	DePasco	Ehlmann
Flotron	Graves	Howard	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Rohrbach	Russell	Singleton
Staples	Westfall--22		

Absent--Senator Klarich--1

Absent with leave--Senator Scott--1

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, Page 6, Section 304.010, Line 21, by inserting immediately after the word "route" the following: "**except for portions of those routes which are located within urbanized areas**".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Flotron, Mathewson, Melton and Russell.

SA 3 failed of adoption by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Ehlmann
Goode	House	Johnson	Lybyer
McKenna	Mueller	Rohrbach	Schneider
Sims	Treppler	Wiggins--15	

Nays--Senators

Caskey	Curls	DePasco	Flotron
Graves	Howard	Kenney	Kinder
Klarich	Mathewson	Maxwell	Melton
Moseley	Quick	Russell	Singleton
Staples	Westfall--18		

Absent--Senators--None

Absent with leave--Senator Scott--1

Senator Caskey moved that **SS No. 2** for **SS** for **HB 1047**, as amended, be adopted, which motion prevailed.

On motion of Senator Staples, **SS No. 2** for **SS** for **HB 1047**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Quick	Rohrbach
Russell	Singleton	Staples	Westfall
Wiggins--25			

Nays--Senators

Banks	House	Moseley	Mueller
Schneider	Treppler--6		

Absent--Senators

Bentley	Sims--2
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Absent with leave--Senator Scott--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Caskey	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Banks	House	Schneider--3
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Absent--Senators

Bentley	Sims--2
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Absent with leave--Senator Scott--1

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer moved that **HB 1014**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Klarich offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 1014, Page 4, Section 14.045, Line 7, by deleting said line and inserting in lieu thereof the following new line:

"by Section 620.1100 RSMo".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HB 1014**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HB 1014**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Curls	House	Maxwell	Staples--4
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 914--By Quick.

An Act to repeal sections 110.130, 110.140, 110.150, 140.170 and 140.190, RSMo 1994, relating to county government, and to enact in lieu thereof five new sections relating to the same subject.

BILL REFERRALS

President Pro Tem Mathewson referred **SCS** for **SBs 763** and **545** to the Committee on State Budget Control.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, agriculture is a dominant and important industry in Missouri, one which is critical to the well-being of all Missourians; and

WHEREAS, animal production in Missouri, including swine production, is growing and changing dramatically; and

WHEREAS, the regulation of large, confined animal production facilities is important both to public health and to the environment; and

WHEREAS, complying with regulations concerning these facilities is an expensive and difficult process; and

WHEREAS, there are currently more than five different proposals being debated in the Missouri General Assembly which contain provisions for changing the regulations on confined animal feeding operations in this state; and

WHEREAS, it is unfair to both the public and to the applicant farmers to continue permit processing for animal production facilities when the laws may change; and

WHEREAS, the fact that such requirements are constantly subject to change places the Department of Natural Resources in a very difficult position when trying to decide on what requirements to include in a permit:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, that the Director of the Department of Natural Resources be requested to not proceed with processing any applications for wet handling waste facility permits in Class IA or IB which were filed after January 1, 1996; and

BE IT FURTHER RESOLVED that the Director of the Department of Natural Resources continue this moratorium until June 15, 1996; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Natural Resources.

SECOND READING OF SENATE BILLS

The following Bill and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 905--Financial and Governmental Operations.

SJR 34--Ways and Means.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 843, regarding Aid Association for Lutherans Branch 5257, Poplar Bluff, which was adopted.

Senator Wiggins offered Senate Resolution No. 844, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Russell Blake, Kansas City, which was adopted.

Senator Maxwell offered Senate Resolution No. 845, regarding Mr. Craig Richards, Mexico, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 13, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 671 entitled:

"AN ACT"

To repeal section 246.070, RSMo 1994, relating to flood relief, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On February 13, 1996, I approved said Senate Bill No. 671.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Patrick and Allison Harkins, and their children, Evan, Caroline, Adam and John Paul, home schoolers from Cass County; and Evan, Caroline, Adam and John Paul were made honorary pages.

Senator Bentley introduced to the Senate, Sara Lampe, Gary Kellner, Betty Israel, David Coonrod and Mary Malter, Springfield.

Senator Mueller introduced to the Senate, former Lieutenant Governor Bill Phelps, Houston, Texas.

Senator Johnson introduced to the Senate, Dr. Carl Meyers, his wife, Jan, and their son, Brian, Kansas City; and Brian was made an honorary page.

Senator Howard introduced to the Senate, Gary and Laura Birschbach, Piedmont.

Senator Mathewson introduced to the Senate, Grant Austin Swift, Marshall, who was made an honorary page.

On behalf of Senator Wiggins, the President introduced to the Senate, former Senator, Judge Jack Gant, Jackson County.

Senator Westfall introduced to the Senate, a delegation from the Good Samaritan Boys Ranch, Brighton.

Senator Howard introduced to the Senate, Christie Johnson, Cooter.

Senator Kenney introduced to the Senate, Betty Newport and Elaine Parmen, Blue Springs; Kim Gorman and Lois Shipley, Independence; and Diana Guynn, Raytown.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SIXTH DAY--THURSDAY, FEBRUARY 15, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, it does matter to us what people say about us. It matters more what we think about ourselves. Help us in all of our activities to behave in a manner for which we would be proud. Help us also to be pleasing in Your eyes. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Clay	Scott--2
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The Lieutenant Governor was present.

President Wilson assumed the Chair.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 846, regarding Charles Dick, which was adopted.

Senator Moseley and Senator Singleton offered Senate Resolution No. 847, regarding Dr. Hugh Edward Stephenson, which was adopted.

Senators Wiggins, DePasco, Johnson, Quick, Mathewson, Scott, Clay, Banks, Goode, Schneider, Lybyer, Treppler, Caskey, Kenney, Singleton, Russell, Staples, Melton, McKenna, Mueller, Moseley, Howard and Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 848

WHEREAS, the Members of the Missouri Senate are deeply saddened to learn of the death of the Honorable Leon Brownfield, distinguished Kansas citizen; and

WHEREAS, Mr. Brownfield, a native of greater Kansas City served with distinction for many years as a member of the City Council of Kansas City, served as Jackson County Director of Administration and Director of Governmental Affairs for Jackson County; and

WHEREAS, Mr. Brownfield had been the owner for many years of the U-Smile Stadium Inc., headquarters for numerous civic galas and political events, was a member of the Mid-America Regional Council, was formerly President of the Union National Bank and a Director of the Southeast State Bank; and

WHEREAS, Mr. Brownfield was on the steering committee for the Truman Sports Complex, was an original member of the Kansas City Chiefs Red Coaters and the Royal Lancers, was a member of the Ararat Shrine and the Royal Order of the Jesters, and a member of the Saddle and Sirlain Club; and

WHEREAS, Mr. Brownfield graduated from Southeast High School and Kansas City Junior College, attended the University of Missouri - Columbia, and was a member of the Phi Delta Theta Fraternity; and

WHEREAS, Mr. Brownfield had served his country in the armed forces and was a veteran of the U.S. Navy Air Corps;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of the Honorable Leon Brownfield, distinguished Kansas City civic leader, political strategist and sports figure, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City, Jackson County, and Missouri, and extend to his family and many friends most sincere sympathy on his death;

BE IT FURTHER RESOLVED that the Secretary of the Senate prepare properly inscribed copies of this resolution for Mayor Emmanuel Cleaver and members of the Kansas City Council, the Honorable Kathryn Shields and Jackson County Legislature, Kansas City Chiefs, Kansas City Royals, Jackson County Sports Authority, and daughters: Mary Edwards, Theresa Kreuzkamp, Ann Meara, and stepson Rod Fensom.

Senators Ehlmann and House offered Senate Resolution No. 849, regarding Mr. Eugene F. "Gene" Wilson, St. Charles, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 915--By Westfall and Kinder.

An Act to repeal sections 137.035, 137.073, 144.020, 144.021, 144.440, 144.700, 144.701, 151.140, 151.150, 151.160, 163.011, 163.021, 163.022, 163.023, 163.031, 163.032, 164.013, 164.021, 164.031, 164.041, 164.071, 164.073 and 177.088, RSMo 1994, and sections 163.087, 164.011 and 165.011, RSMo Supp. 1995, relating to funding for public schools, and to enact in lieu thereof seventeen new sections relating to the same subject, with a referendum clause.

SB 916--By Bentley.

An Act to repeal section 197.254, RSMo 1994, relating to hospice facilities, and to enact in lieu thereof one new section relating to the same subject.

SB 917--By Bentley and McKenna.

An Act to repeal sections 190.015, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.145, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.185, RSMo Supp. 1995, relating to emergency services, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with penalty provisions.

SB 918--By McKenna and Flotron.

An Act to repeal sections 376.426 and 376.892, RSMo 1994, relating to the delivery of health care, and to enact in lieu thereof four new sections relating to the same subject.

SB 919--By Ehlmann.

An Act to repeal sections 211.023, 476.450 and 476.520, RSMo 1994, and section 476.515, RSMo Supp. 1995, relating to the retirement of judges, and to enact in lieu thereof four new sections relating to the same subject.

Senator Quick assumed the Chair.

THIRD READING OF SENATE BILLS

SB 710, introduced by Senator Maxwell, entitled:

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 710** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

Johnson Kenney--2

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Treppler moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 2** for **SS** for **HB 1047**, as amended, and requests the Senate to recede from its position or failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1014** and has again taken up and passed **SCS** for **HB 1014**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1208**, entitled:

An Act to amend chapter 105, RSMo, relating to state employees by adding thereto one new section for the purpose of establishing a state employees flexible benefit program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1146**, entitled:

An Act to repeal sections 36.030, 36.031, 36.040, 36.050, 36.100, 36.110, 36.120, 36.140, 36.170, 36.180, 36.190, 36.210, 36.240, 36.250, 36.260, 36.280, 36.300, 36.320, 36.330, 36.360, 36.390 and 36.510, RSMo 1994, and section 36.020, RSMo Supp. 1995, relating to the state personnel law, and to enact in lieu thereof twenty-three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 575**, entitled:

An Act to repeal section 197.318, RSMo 1994, relating to certificate of need, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1098**, entitled:

An Act to repeal section 32.057, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SS No. 2** for **SS** for **HB 1047**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **SS** for **HB 1047**, as amended: Senators Staples, McKenna, Caskey, Sims and Treppler.

THIRD READING OF SENATE BILLS

SB 565, introduced by Senator Treppler, entitled:

An Act to repeal sections 292.630 and 701.450, RSMo Supp. 1995, relating to certain public facilities, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Treppler, **SB 565** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Johnson Kenney--2

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 582, introduced by Senator Sims, entitled:

An Act to repeal sections 209.150 and 304.080, RSMo 1994, relating to certain persons with disabilities, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 582** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 730, introduced by Senator Mathewson, entitled:

An Act to repeal section 287.380, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 730** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator McKenna moved that **SB 575**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 575**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 575

An Act to repeal section 197.318, RSMo 1994, relating to certificate of need, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **HCS** for **SB 575** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

On motion of Senator McKenna, **HCS** for **SB 575** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

THIRD READING OF SENATE BILLS

SB 733, with **SCA 1**, introduced by Senator Mathewson, entitled:

An Act to repeal section 287.061, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 733**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

SB 668, with **SCS**, introduced by Senator Melton, entitled:

An Act to repeal section 302.225, RSMo 1994, relating to certain traffic violations, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 668**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 668

An Act to repeal sections 302.225 and 302.306, RSMo 1994, relating to certain traffic violations, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Melton moved that **SCS** for **SB 668** be adopted, which motion prevailed.

On motion of Senator Melton, **SCS** for **SB 668** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Johnson Kenney--2

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 721, introduced by Senator Moseley, entitled:

An Act to repeal section 217.364, RSMo 1994, relating to an offenders treatment program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Moseley, **SB 721** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller

Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators--None		
	Absent--Senators		
Johnson	Kenney--2		
	Absent with leave--Senators		
Clay	Scott--2		

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SB 728, introduced by Senators Ehlmann and House, entitled:

An Act to repeal section 210.861, RSMo Supp. 1995, relating to the community services children's fund, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **SB 728** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators--None		
	Absent--Senators		
Johnson	Kenney--2		

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 605, introduced by Senator Caskey, entitled:

An Act to repeal section 177.086, RSMo 1994, relating to bidding for school construction, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 605** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Johnson Kenney--2

Absent with leave--Senators

Clay Scott--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 693, introduced by Senator Moseley, entitled:

An Act to repeal section 58.095, RSMo 1994, relating to county coroners, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Howard assumed the Chair.

On motion of Senator Moseley, **SB 693** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Banks	Curls	Johnson	Kenney
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Quick--5

Absent with leave--Senators

Clay	Scott--2
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The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 665, introduced by Senator Caskey, entitled:

An Act to repeal section 249.763, RSMo 1994, relating to sewer districts and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 665** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Banks	Curls	Kenney	Quick
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Schneider--5

Absent with leave--Senators

Clay	Scott--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 677, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal section 304.200, RSMo Supp. 1995, relating to special permits for oversize loads, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 677**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 677

An Act to repeal section 304.200, RSMo 1995, relating to special permits for oversize loads, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 677** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 677** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Curls	Kenney	Quick--3
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Absent with leave--Senators

Clay	Scott--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 766, introduced by Senator Caskey, entitled:

An Act to repeal section 267.122, RSMo Supp. 1995, relating to animal health laboratory fees, and enacting one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 766** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller

Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Curls	Kenney	Quick--3
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Absent with leave--Senators

Clay	Scott--2
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The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SS No. 2** for **SS** for **HB 1047**, as amended: Representatives: Thomason, Prost, Witt, Ross, Barnett.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 857**.

Emergency clause adopted.

Bill ordered enrolled.

REFERRALS

President Pro Tem Mathewson referred **SCR 21** to the Committee on Agriculture and Local Government.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 846--Elections, Pensions and Veterans' Affairs.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments

and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Carl M. Myers, M.D., F.A.A.F.P., Barry Dean Spoon, D.O., FACEP and Charles Richard Gulick, M.D., as members of the State Board of Registration for the Healing Arts;

Also,

Marisa B. Sanchez, as a student representative of the Northwest Missouri State University Board of Regents;

Also,

Joey Lyn Coleman, as a student representative of the Central Missouri State University Board of Regents;

Also,

Julie A. Chapman, as a student representative of the Missouri Southern State College Board of Regents;

Also,

Matthew L. Braun, as a student representative of the Northeast Missouri State University Board of Governors;

Also,

Christie L. Johnson, as a student representative of the Southeast Missouri State University Board of Regents;

Also,

Troy L. Nash, as a student representative of the University of Missouri Board of Curators;

Also,

Kwanza W. Humphrey, as a student representative of the Missouri Western State College Board of Regents;

Also,

Richard J. Washington, as a student representative of the Lincoln University Board of Curators;

Also,

Elizabeth A. Fleming, as a student representative of the Southwest Missouri State University Board of Regents;

Also,

Mary Marjorie Hughes, as a public member, and Kenneth Leslie Bradshaw, DPM, as a member of the State Board of Podiatric Medicine.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

RE-REFERRALS

President Pro Tem Mathewson re-referred **SB 899** to the Committee on Aging, Families and Mental Health.

REPORTS OF STANDING COMMITTEES

President Pro Tem Mathewson resumed the Chair.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 654**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 654, Page 1, Section 313.820, Line 2 by inserting immediately after "county" the following: **"or a city not within a county"**.

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 654, Page 1, Section 313.820, Line 6 by inserting immediately after the word "city" the following: **"with a population in excess of three hundred fifty thousand which is located in more than one county"**; and further amend said section, line 12, by inserting immediately after the word "fund" the following: **"in which the boat is docked"**.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 488**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 488, Page 4, Section 210.303, Line 59 by inserting immediately after "decision." the following: **"If the appeal is decided against the disqualified person, that person may seek judicial review of such decision pursuant to sections 536.100 to 536.150, RSMo."**.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 722**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 725**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 504**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 759**, begs leave to report that it

has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Curls, Chairman of the Committee on Interstate Cooperation, submitted the following reports:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 854**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 740**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 669**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2 and 3.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 669, Page 3, Section 643.310, Line 48 by inserting immediately after "RSMo." the following: **"On or before December 31, 1996, the department of natural resources and the Missouri state highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355."**

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 669, Page 5, Section 643.310, Line 120 by striking the opening bracket "["; and further amend line 121, by striking the word "five" and inserting in lieu thereof the following: **"one"**; and further amend line 125, by striking the closing bracket "]".

SENATE COMMITTEE AMENDMENT NO. 3

Amend Senate Bill No. 669, Page 11, Section 643.355, Line 18 by striking "an infraction" and inserting in lieu thereof the following: **"a class C misdemeanor"**; and

Further amend said bill and section, page 12, lines 21-22, by striking the following: "an infraction for the first offense,"; and further amend said line by striking the word "second" and inserting in lieu thereof the word **"first"**; and further amend line 27, by striking the following: "an infraction for the first offense,"; and further amend line 28, by striking the word "second" and inserting in lieu thereof the word **"first"**; and further amend lines 32-33, by striking the following: "an infraction" and inserting in lieu thereof the following: **"a class C misdemeanor"**.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 634**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 738**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 738, Page 3, Section 376.1247, Line 32-33 by striking the words "an individual or" and

inserting in lieu thereof the word "a".

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 719**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Clay, Chairman of the Committee on Labor and Industrial Relations, Senator DePasco submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 534**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SJR 28**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 526**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 782**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 640**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 920--By Schneider.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to medicare supplement insurance.

SB 921--By Flotron.

An Act to amend chapter 354, RSMo, by adding four new sections relating to the formation of health care provider joint ventures.

SB 922--By DePasco and Quick.

An Act to repeal section 544.455, RSMo 1994, relating to bail bonds, and to enact in lieu thereof one new section relating to the same subject.

SB 923--By Banks, Scott, McKenna and Treppler.

An Act to repeal section 227.020, RSMo 1994, relating to the state highway system, and to enact in lieu thereof one new section relating to the same subject.

SB 924--By Lybyer.

An Act to repeal sections 142.010 and 142.362, RSMo 1994, relating to motor fuel taxes, and to enact in lieu thereof two new sections relating to the same subject.

COMMUNICATIONS

President Pro Tem Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

February 8, 1995

The Honorable James L. Mathewson

President Pro Tem

Missouri Senate

Room 326, State Capitol

Jefferson City, MO 65101

Dear Senator Mathewson:

Please consider this my request to resign from the Children's Services Commission. I will be happy to serve until my replacement is selected, but I feel I cannot at this time give this panel the time and attention it merits.

It has been a pleasure to serve on this commission.

Sincerely,

/s/ Walt Mueller

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, the chairman of the Missouri State Tourism Commission, Bob Smith, Lebanon.

Senator Westfall introduced to the Senate, Alan Gamer, Ron Baldwin and Stephanie Baldwin, Miller.

Senator Sims introduced to the Senate, Jane Kerlagon, St. Louis Public Schools, and Jayne Kasten, Pattonville School District; and seventy eighth grade students from Gateway Middle School and Pattonville Holman Middle School, St. Louis; and Sarah Barker and Maggie Middeke were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, February 19, 1996.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY--MONDAY, FEBRUARY 19, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for every one of our presidents, for the unique contribution that they have made to our heritage. We are thankful for the privilege of choosing our own leaders, of charting our own course, and living in the land of the free. We ask that You be with each of our elected leaders. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 15, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Schneider	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 850, regarding Dr. R. C. Ebert, Pleasant Hill, which was adopted.

Senator Rohrbach offered Senate Resolution No. 851, regarding Evelyn Walker, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 852, regarding Kenneth W. Lineberry, which was adopted.

Senator Rohrbach offered Senate Resolution No. 853, regarding Dorothy A. Turner, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 854, regarding Verna E. Gillilan, California, which was adopted.

Senator House offered Senate Resolution No. 855, regarding Patrick Thomas Luecke, St. Charles, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 857** and **HCS** for **SB 575**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 575** and **SCS** for **SB 857**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

HCS for **SB 575** and **SCS** for **SB 857**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 856

WHEREAS, the members of the Missouri Senate deem it both worthwhile and necessary to support those programs aimed at promoting good citizenship qualities within our youth; and

WHEREAS, the Jefferson City Rotary Club has sought to instill values of high integrity in Missouri students while providing them with an opportunity to experience state government firsthand through its Student Government Day program; and

WHEREAS, the Missouri Senate has maintained a policy of granting such organizations permission to use the Senate Chamber for the purpose of conducting activities related to governmental or citizenship projects:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on Monday, April 8, 1996, from 10:00 a.m. to 11:30 a.m.

Senator Ehlmann offered Senate Resolution No. 857, regarding the Eightieth Birthday of William O. Van Gels, St. Peters, which was adopted.

President Wilson assumed the Chair.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 925--By Russell.

An Act to repeal section 473.740, RSMo Supp. 1995, relating to salaries for public administrators, and to enact in lieu thereof one new section relating to the same subject.

SB 926--By Melton.

An Act to repeal section 165.111, RSMo 1994, relating to budgeting by public schools, and to enact in lieu thereof one new section relating to the same subject.

SB 927--By Wiggins.

An Act to repeal sections 143.161, 144.020, 144.021 and 144.440, RSMo 1994, relating to tax relief, and to enact four new sections relating to the same subject, with an effective date for a certain section.

SB 928--By Bentley.

An Act to repeal section 70.220, RSMo, 1994, relating to contracts between political subdivisions, and to enact in lieu thereof one new section relating to the same subject.

President Pro Tem Mathewson resumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HB 1014**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

At the request of Senator Maxwell, **SB 709** was placed on the Informal Calendar.

Senator Russell moved that **SB 558** be taken up for perfection, which motion prevailed.

Senator Quick assumed the Chair.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 558, Page 1, Section 49.267, Line 10, by inserting after said line: "All revenue from traffic fines must be deposited in the County School Fund."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Clay assumed the Chair.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 558, Page 1, Section 49.267, Line 8, by inserting after the word "signs" the following: "furnished by the county and in a form approved by the Missouri Department of Highways and Transportation.".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 558**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 578**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 578, Page 2, Section 43.050, Line 14, by inserting immediately after said line, the following:

"313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to

the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, RSMo, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.100, RSMo, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission; **provided, however, that no officers of the highway patrol shall be assigned duties which are not consistent with section 43.025, RSMo, on any excursion gambling boat after August 28, 2000.** No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. **Any member of the highway patrol who is no longer assigned duties under an agreement with the commission shall not be included, until August 28, 2000, against the personnel cap established by section 43.050, RSMo.** Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been

granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class D felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Kenney, Mueller and Rohrbach.

SA 2 failed of adoption by the following vote:

Yeas--Senators			
Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Singleton	Westfall--12
Nays--Senators			
Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Quick	Russell
Sims	Staples	Treppler	Wiggins--20

Absent--Senators--None

Absent with leave--Senators

Schneider Scott--2

On motion of Senator Maxwell, **SB 578**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 533**, **SB 512** and **SB 581**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 533, 512** and **581**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 533, 512 and 581

An Act to amend chapter 376, RSMo, by adding one new section relating to certain health insurance benefits following the birth of a child.

Was taken up.

Senator House moved that **SCS** for **SBs 533, 512** and **581** be adopted.

Senator House offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 1, Section 376.1210, Line 10, by adding after "1997," the following: "when such policies provide maternity benefits"; and

Further amend said section, Line 64, by deleting "any other health care service" and inserting in lieu thereof the following: "**other similar health care services**".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 1, Section 376.1210, Line 11, by deleting the words "in-home care provided by those licensed pursuant to section 334.260, RSMo, certified nurse midwives and certified professional midwives, and coverage for".

Senator Sims moved that the above amendment be adopted.

Senator Quick resumed the Chair.

At the request of Senator House, **SB 533**, **SB 512** and **SB 581**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following reports:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 904**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 657**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 826**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 806**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 870**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 530**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 780**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 792**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 499**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 522**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 632**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 632, Page 2, Section 301.041, Line 26, by inserting immediately after the word "credit" the following: "**as defined in section 400.5-103, RSMo**"; and further on line 27, by inserting immediately after the word "certificate" the following: "**or letter of credit**".

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 611**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 611, Page 1, Section 305.510, Line 14, by adding immediately after said line, the following:

"305.515. 1. The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the first two years. Thereafter, the authority membership shall elect a member to serve as chairman. The mayor of the city of St. Louis and the supervisor of St. Louis County, with the advice and consent of their respective governing bodies, shall each appoint three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county [commissions of Jefferson, Franklin and St. Charles counties shall each] **commission of Franklin County shall** appoint one member of the authority[, each such member] to serve a term of four years. **The county commission of Jefferson County and the county executive of St. Charles County, with the advice and consent of the governing body of that county, shall each appoint two members of the authority, one for a term of two years and one for a term of four years.** Thereafter, all appointments shall be for a term of four years. Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term.

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority."; and

Further amend the title and enacting clause accordingly.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 758**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 768**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 860**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 849**, entitled:

An Act to repeal section 416.625, RSMo 1994, and section 416.615, RSMo Supp. 1995, relating to certain merchandising practice for the sale of motor fuel, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 905**, entitled:

An Act to create chapter 617, RSMo, by enacting six new sections relating to the creation of a department of aging, with a contingent effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 879**, entitled:

An Act relating to local building codes.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

Senator Mathewson submitted the following:

MISSOURI SENATE

Jefferson City

February 16, 1996

Senator Betty Sims

Capitol Building

Jefferson City, MO 65101

Dear Senator Sims:

It is my privilege to hereby appoint you to the Children's Services Commission. This commission is established in section 210.101, RSMo.

You will be replacing Senator Walt Mueller, who has resigned.

Your willingness to take on this additional duty and serve the people of our great state is appreciated.

Sincerely,

/s/ Jim

James L. Mathewson

President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, the Physician of the Day, James E. Nahlik, M.D., his wife, Mary, and their children, Andrew, Robert, Louis, Edward, Matthew and Phillip, St. Louis; and Andrew was made an honorary page.

Senator Clay introduced to the Senate, members of the BJC Health System Senior Management Team, Fred Brown, Ted Frey, Mike DeHaven, and his children, Abigail and Scott, St. Louis; and Abigail and Scott were made honorary pages.

Senator Rohrbach introduced to the Senate, Ben Harness, Jefferson City, who was made an honorary page.

Senator Howard introduced to the Senate, Rudy Taylor and Floyd Edwards, Dexter.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-EIGHTH DAY--TUESDAY, FEBRUARY 20, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Your goodness to us, the blessings You bestow upon us and Your gifts that we enjoy are given without any strings attached to the good and the bad, the high and the lowly. Teach us to give, to serve and to minister in this same spirit. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, United States Senator Christopher S. Bond, who assumed the dais and addressed the members of the Senate.

President Wilson resumed the Chair.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 858, regarding Jason Drew Westbrook, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 859, regarding William Thomas Fitzgerald, Riverview, which was adopted.

Senator Wiggins and Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 860

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Thomas S. Cordes, Sr., of Jefferson City; and

WHEREAS, Mr. Cordes was born October 31, 1912, at Meade, Kansas, where he began attending school and later attended school in Jefferson City, graduating from Jefferson City High School; and

WHEREAS, Mr. Cordes served his country as an Army veteran in World War II and was later the owner-operator for many years of the Cordes Construction Company until his retirement; and

WHEREAS, Mr. Cordes was a member of the Veterans of Foreign Wars, Roy Sone Post 1003, and previously served as Post Commander; Mr. Cordes was also a charter member of the Military Order of the Cooties Pup Tent 3, was a member of the National Rifle Association, and had served as President of the Home Association; and

WHEREAS, Mr. Cordes was most of all a loving and devoted father and grandfather in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Thomas S. Cordes, Sr., express their appreciation for his lifetime of good citizenship and his contributions to Jefferson City and to Missouri, and extend to his family and many friends most sincere sympathy on his death.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. Thomas S. Cordes, Jr., and to Reverend Christopher Lee Cordes, Jefferson City, Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 929--By McKenna.

An Act to repeal section 195.017, RSMo 1994, relating to the regulation of certain drugs, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

SB 930--By McKenna.

An Act to repeal section 329.265, RSMo Supp. 1995, relating to cosmetology, and to enact one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 578** and **SB 558**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SJR 32** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator DePasco offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 32, Page 2, Section 37(b), Line 4, by inserting immediately after the word "law" the following: ", **including the provision of aging services and programs through a unified service delivery system**".

Senator DePasco moved that the above amendment be adopted.

At the request of Senator DePasco, **SA 1** was withdrawn.

Senator Staples requested a roll call vote be taken on the perfection of **SJR 32** and was joined in his request by Senators House, Moseley, Russell and Wiggins.

Senator Wiggins assumed the Chair.

Senator Mueller offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 32, Page 2, Section 12, Line 9, by deleting "a department of" on said line and "insurance," on line 10; and

Further amend said joint resolution, line 14, by deleting the brackets on said line and the word "sixteen".

Senator Mueller moved that the above amendment be adopted.

At the request of Senator Mueller, **SA 2** was withdrawn.

President Wilson resumed the Chair.

Senator Staples assumed the Chair.

Senator Kinder offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Joint Resolution No. 32, Page 2, Section 12, Line 16, by adding, at the end of said line, the following: ", except for the department of Elementary and Secondary Education,"; and

Further amend said bill, page 2, line 25, by adding the following: "Beginning on January 1, 1998, the Commissioner of Education shall be elected by the voters of the State of Missouri.".

Senator Kinder moved that the above amendment be adopted.

Senator House raised the point of order that **SA 3** is out of order in that the amendment is not germane to the subject matter of the joint resolution before the body.

The point of order was referred to the President Pro Tem, who ruled it well taken.

President Wilson resumed the Chair.

Senator DePasco moved that **SJR 32** be declared perfected and ordered printed, which motion prevailed by the following vote:

Yeas--Senators

Caskey	Clay	DePasco	Goode
House	Howard	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Russell	Schneider	Staples
Treppler	Wiggins--18		

Nays--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Sims	Singleton	Westfall--12

Absent--Senators

Banks	Curls	Melton	Scott--4
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Absent with leave--Senators--None

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 931--By Schneider, Caskey, Klarich, Moseley and Maxwell.

An Act to repeal section 287.615, RSMo 1994, relating to the department of labor and industrial relations, and to enact in lieu thereof one new section relating to the same subject.

SB 932--By Flotron.

An Act to amend chapter 208, RSMo, relating to public assistance benefits, by adding two new sections relating to the same subject.

SB 933--By Flotron.

An Act to amend chapter 311, RSMo, by adding one new section relating to the auction of vintage wine, with penalty provisions.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 659**, begs leave to report

that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 858**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 727**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

CONCURRENT RESOLUTIONS

Senator Banks offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, the federal and state governments have over the years memorialized outstanding Americans; and

WHEREAS, these commemorations are frequently observed as federal and state holidays; and

WHEREAS, the Missouri General Assembly has declared certain days to be public holidays and are observed by closing schools and governmental offices; and

WHEREAS, certain public holidays occur when the General Assembly is in session;

NOW THEREFORE BE IT RESOLVED, that the Missouri Senate, the House of Representatives concurring therein, declare that in addition to being public holidays, these special commemorations shall also be declared legislative holidays when the General Assembly shall not convene;

BE IT FURTHER RESOLVED, that the General Assembly may meet on Friday of any week in which a legislative holiday occurs.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 861

WHEREAS, the members of the Missouri Senate have been pleased to learn that Paul Henson will be honored at the annual meeting of the Central Governing Board of the Children's Mercy Hospital on Thursday, February 22, 1996; and

WHEREAS, Mr. Henson, a long-time distinguished Kansas City civic leader, has contributed immeasurably to the goals and objectives of Children's Mercy Hospital, Kansas City's premier and nationally known headquarters for treatment of children's injuries and diseases; and

WHEREAS, Mr. Henson served as co-chairman of the "Extending the Challenge" capital campaign, which significantly exceeded its goal by raising a total of \$15.7 million to the Centennial Campaign fund allowing the hospital to include an additional two floors on both the new outpatient center and the new inpatient tower; and

WHEREAS, Mr. Henson, a long-time friend of the hospital, is a member of Children's Mercy's Board of Trustees and through his leadership, vision and support enabled Children's Mercy to complete the largest capital campaign conducted by any pediatric hospital of comparable size in the United States;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding achievements of Paul Henson, express their appreciation for his lifetime of good citizenship and particularly for his contributions to Children's Mercy Hospital, and extend congratulations at the honor being bestowed upon him on this particularly auspicious occasion;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Honorable Paul Henson and Children's Mercy Hospital.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 862

WHEREAS, the members of the Missouri Senate have been pleased to learn that Harry McCray will be honored at the annual meeting of the Central Governing Board of Children's Mercy Hospital on Thursday, February 22, 1996; and

WHEREAS, Mr. McCray, a long-time distinguished Kansas City civic leader, has contributed immeasurably to the goals and achievements of Children's Mercy Hospital, Kansas City's premier and nationally known headquarters for treatment of children's injuries and diseases; and

WHEREAS, Mr. McCray served as co-chairman of the "Extending the Challenge" capital campaign, which significantly exceeded its goal by raising a total of \$15.7 million to be added to the centennial campaign fund allowing the hospital to include an additional two floors on both the new outpatient center and new inpatient tower; and

WHEREAS, Mr. McCray is a past chairman of the Central Governing Board of the hospital, and whose leadership, vision and support enabled Children's Mercy to complete the largest capital campaign conducted by any pediatric hospital of comparable size in the United States;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding achievements of Harry McCray, express their appreciation for his lifetime of good citizenship and particularly for his contributions to Children's Mercy Hospital, and extend congratulations at the honor being bestowed upon him on this particularly auspicious occasion;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Honorable Harry McCray and Children's Mercy Hospital.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 863

WHEREAS, the members of the Missouri Senate have been pleased to learn that Bob Keeshan will be honored on Thursday, February 22, 1996, as Keynote Speaker at the Annual Meeting of the Central Governing Board of Children's Mercy Hospital; and

WHEREAS, Bob Keeshan, a nationally known star of television and radio and well known motivational speaker, is an expert on children and the problems of children; and

WHEREAS, Bob Keeshan, at the age of 21, in 1948, began playing the role of Clarabell the Clown on television's "Howdy Doody" show; and

WHEREAS, after five years in the role of Clarabell, he worked in local children's programming in New York; and

WHEREAS, in 1955 on the CBS television network, Bob Keeshan founded the famous show known as "Captain Kangaroo"; and

WHEREAS, Bob Keeshan has become a nationally known advocate for children, testifies frequently before legislative bodies, speaks frequently before groups concerned about the well being of children, urging parents to spend more and more time with their children rather than sending them off to watch television every evening;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding career of Bob Keeshan, express their appreciation for his lifetime of good citizenship and dedication to the needs and causes of children, and express appreciation to Bob Keeshan for visiting Missouri and extend congratulations to him for the honor being bestowed upon him by the Central Governing Board in making him the Keynote Speaker;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. Bob Keeshan and for Children's Mercy Hospital.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 906--Public Health and Welfare.

SB 907--Civil and Criminal Jurisprudence.

SB 908--Agriculture and Local Government.

SB 909--Commerce and Environment.

SB 910--Corrections and General Laws.

SB 911--Education.

SB 912--Aging, Families and Mental Health.

SB 913--Public Health and Welfare.

SB 914--Agriculture and Local Government.

SB 915--Education.

On motion of Senator Banks, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 547**, with **SS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Klarich, **SA 2** was withdrawn.

At the request of Senator Sims, **SS** for **SB 547** was withdrawn.

Senator Sims offered **SS No. 2** for **SB 547**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 547

An Act to repeal sections 557.036, 558.018 and 558.021, RSMo 1994, and section 566.607, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS No. 2** for **SB 547** be adopted.

Senator Johnson assumed the Chair.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 547, Page 9, Section 558.023, Lines 11-22, by deleting said lines and replace in lieu thereof the following:

"7. Prior to an evaluation under this act, the person to be evaluated shall be informed of his right to counsel and right to remain silent."

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 547, Pages 9-10, Subsection 8, Line 23, by deleting said subsection and replacing in lieu thereof the following:

"8. A person found to be a predatory sexual offender pursuant to subsection 2 of this section shall receive a sentence of life imprisonment with eligibility for parole after serving a minimum term of not less than thirty years in prison. In no event shall such offender be released from incarceration prior to the expiration of such minimum term if such person is found to be a persistent or predatory sexual offender as defined by this act."

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Sims, **SB 547**, with **SS No. 2** and **SA 2** (pending), was placed on the Informal Calendar.

Senator House moved that **SB 533**, **SB 512** and **SB 581**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Quick assumed the Chair.

Senator Sims moved that **SA 2** be adopted, which motion failed on a standing division vote.

Senator Singleton offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 3, Section 376.1210, Line 76, by inserting immediately after said line, the following:

"8. Any person licensed pursuant to section 334.260, RSMo, certified nurse midwives or certified professional midwives providing in-home maternity and newborn care services pursuant to this section, shall furnish satisfactory evidence of a medical malpractice insurance policy of at least five hundred thousand dollars. The provisions of this subsection shall not apply to those who are providing maternity and newborn care services under the legitimate practice of the religious belief of the parents or who are not receiving compensation for their services."

Senator Singleton moved that the above amendment be adopted, which motion failed.

Senator Bentley offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 1, Section 2, Lines 12 and 13, by removing the words "and certified professional midwives,".

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator Singleton offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 2, Section 376.1210, Line 41, by adding following "feeding," the following: "education and services for complete childhood immunizations,".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 1, Section 376.1210.2, Line 13, by inserting after the word "midwives" on said line the following: ", provided such midwives are licensed to practice in the State of Missouri,".

Senator Caskey moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 6**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 533, 512 and 581, Page 1, Section 376.1210.2, Line 13, by inserting after the word "midwives" on said line the following: ", provided such midwives are licensed to practice in the State of Missouri or, unless otherwise qualified to practice as professional midwives as deemed by the American College of Nurse Midwives.".

Senator Klarich moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 6 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator House moved that **SCS** for **SBs 533, 512 and 581**, as amended, be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SBs 533, 512 and 581**, as amended, was declared perfected and ordered printed.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 934--By Banks.

An Act to repeal sections 197.300, 197.305, 197.310, 197.315 and 197.330, RSMo 1994, relating to the Missouri health certificate of need law, and to enact eleven new sections relating to the same subject, with penalty provisions.

SB 935--By Curls.

An Act to amend chapter 376, RSMo, relating to certain health care benefits, by adding one new section relating to the same subject.

SB 936--By House.

An Act to repeal section 590.501, RSMo Supp. 1995, relating to disciplinary rights of certain law enforcement officials, by adding five new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Moseley, Chairman of the Committee on Education, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 694**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 20, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 575 entitled:

"AN ACT"

To repeal section 197.318, RSMo 1994, relating to certificate of need, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On February 20, 1996, I approved said House Committee Substitute for Senate Bill No. 575.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 20, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 857 entitled:

"AN ACT"

To repeal sections 169.010 and 169.600, RSMo 1994, and sections 169.030 and 169.620, RSMo Supp. 1995, relating to teacher retirement, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

On February 20, 1996, I approved said Senate Committee Substitute for Senate Bill No. 857.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Mr. and Mrs. Eugene Duncan, Wappapello.

Senator Howard introduced to the Senate, Beverly Birmingham, Greenville.

Senator Kenney introduced to the Senate, Lois Benshoof and Roberta Roller, Lee's Summit.

Senator Graves introduced to the Senate, students from Northwest Missouri State University, Maryville.

Senator Westfall introduced to the Senate, Mr. and Mrs. Bob Kifer, and their grandson, Drew, Bolivar; and Drew was made an honorary page.

Senator Treppler introduced to the Senate, Robert and Anita Yeckel, and Pat Manfrede, St. Louis County.

Senator Wiggins introduced to the Senate, Jill Klein and Genevieve Anderson, St. Louis.

Senator Rohrbach introduced to the Senate, his nephew, Jesse Rohrbach, Jamestown.

On behalf of Senator Kenney and himself, Senator Rohrbach introduced to the Senate, Sarah Wehner, Lee's Summit.

On behalf of Senator Caskey and himself, Senator Rohrbach introduced to the Senate, Cindy Hayes, Windsor; and Jonna Brewer, Harrisonville.

Senator Johnson introduced to the Senate, FFA members, their parents and advisors from around the state.

Senator Westfall introduced to the Senate, Jay Shepherd, Aurora.

Senator House introduced to the Senate, John Ridder, Marthasville.

Senator Singleton introduced to the Senate, David Hilgenberg, Carl Junction.

Senator Russell introduced to the Senate, Jody Hubner, Mountain Grove.

Senator Caskey introduced to the Senate, Tammy Slack, Holden.

Senator Mathewson introduced to the Senate, Andy Burns and Willie Harlow, Marshall.

Senator Graves introduced to the Senate, Steven Rogers, Princeton; Andrew Popplewell, Amity; and Jeremy Mosley, Browning.

Senator Staples introduced to the Senate, Leslie Jett, Pomona.

Senator Kinder introduced to the Senate, Susie Picou, Perryville.

Senator Singleton introduced to the Senate, Sandy Williams and Evalina Shippee, Joplin; Debra Scritchfield, Carthage; Anne LaNear, Springfield; Ann Campbell and Brent Campbell, Webb City; and Joan Letsinger.

Senator Maxwell introduced to the Senate, Mark Wilburn, Laddonia.

Senator Westfall introduced to the Senate, Melissa Phillips, Bolivar; Judy Barette, Rolla; and Sandy Clarkson, Laclede.

Senator Ehlmann introduced to the Senate, former State Representative Doug Boschert, St. Charles.

Senator Caskey introduced to the Senate, Mike Keith, Clinton; and Jeff Crouch, Warrensburg.

Senator Howard introduced to the Senate, Katherine Golden, Greenville; and Virginia Wilson, Fredericktown.

Senator Caskey introduced to the Senate, Jim Spencer, Harrisonville; and Sue Hazelrigg, Nevada.

Senator Melton introduced to the Senate, Patricia Faust, Irvine, California.

Senator Mueller introduced to the Senate, Webelo Pack 981, Kirkwood; and Ryan Preston, Michael Krafft, Mike Rekart and Alex Johnson were made honorary pages.

Senator Kenney introduced to the Senate, Shannon Zuber, Independence.

Senator Flotron introduced to the Senate, Vi Smith, Creve Coeur.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-NINTH DAY--WEDNESDAY, FEBRUARY 21, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Paul told the Corinthians, "Let all things be done decently and in order". Lord, we are proud of the traditions and order of this assembly. We pray that we will see all things done here with respect, honor and love. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

President Wilson assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 864

WHEREAS, the members of the Missouri Senate recognize that Missouri now ranks ninth in the nation with fourteen percent of its population sixty-five years of age or older; and

WHEREAS, the members of the Missouri Senate recognize that our nation and state will see vast demographic changes in the upcoming century as the members of the baby boom generation come into their senior years; and

WHEREAS, during the next few years, we must not lose sight of the urgent need to prepare for the social issues facing the elderly citizens of the state of Missouri; and

WHEREAS, efforts to change the Constitution of the State of Missouri to create a Department of Aging will take approximately ten months; and

WHEREAS, it is essential that the voice of the elderly citizens of the State of Missouri be heard immediately in the highest councils of state government; and

WHEREAS, the Missouri Senate realizes that in order to give immediate and proper consideration to aging issues, including long-term care and consistent quality care to Missouri's elderly, it is in the best interest of the citizens of Missouri to include the Director of the Division of Aging in the Governor's Cabinet meetings and similar forums where the needs, interests and concerns of the elderly are considered;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate respectfully request the Governor of the State of Missouri to immediately include the Director of the Division of Aging in all high level meetings involving the elderly; and

BE IT FURTHER RESOLVED, that properly inscribed copies of this resolution be sent to the Governor of the State of Missouri, the Director of the Department of Social Services and the Director of the Division of Aging.

Senator Caskey offered Senate Resolution No. 865, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ernest Allen Eaton, Clinton, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 769**, **SB 506** and **SCS** for **SBs 763** and **545**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SJR 32**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 769, introduced by Senator Quick, entitled:

An Act to repeal sections 595.025 and 595.045, RSMo 1994, relating to the crime victims' compensation fund, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 769** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 506, introduced by Senator Lybyer, entitled:

An Act to repeal section 172.287, RSMo 1994, relating to equipment grants for engineering programs, and to enact in lieu thereof one new section relating to the same subject, with a termination date.

Was called from the Consent Calendar and taken up.

On motion of Senator Lybyer, **SB 506** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

SB 484, with **SCA 1**, introduced by Senator Melton, entitled:

An Act to repeal section 206.090, RSMo 1994, relating to certain hospital districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Melton, **SB 484**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 532, introduced by Senator McKenna, entitled:

An Act to repeal sections 190.327 and 190.329, RSMo Supp. 1995, relating to emergency services, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 532** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SB 491, introduced by Senator Scott, entitled:

An Act to repeal section 578.012, RSMo 1994, relating to animal abuse, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Staples assumed the Chair.

On motion of Senator Scott, **SB 491** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Moseley	Mueller	Quick
Schneider	Scott	Sims	Staples
Treppler	Wiggins--18		

Nays--Senators

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Rohrbach	Russell
Singleton	Westfall--14		

Absent--Senators

McKenna	Melton--2
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Absent with leave--Senators--None

Senator Wiggins assumed the Chair.

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 492, introduced by Senator Scott, entitled:

An Act to repeal section 578.009, RSMo 1994, relating to animal neglect, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 492** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Johnson	Kinder	Mathewson
McKenna	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Treppler	Wiggins--22		

Nays--Senators

Graves	House	Howard	Kenney
Klarich	Lybyer	Maxwell	Melton
Rohrbach	Singleton	Staples	Westfall--12

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 630, introduced by Senators Lybyer and Maxwell, entitled:

An Act to repeal sections 386.330 and 392.220, RSMo 1994, and section 386.250, RSMo Supp. 1995, relating to the regulation of certain telecommunication services provided by telephone cooperatives, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **SB 630** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Graves House--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 589, with **SCA 1**, introduced by Senator Goode, entitled:

An Act to repeal section 386.310, RSMo 1994, relating to public utility and natural gas safety, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 589**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Quick Russell--2

Absent with leave--Senators--None

The President declared the bill passed.

Senator Johnson assumed the Chair.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 818, introduced by Senator Wiggins, entitled:

An Act to repeal section 70.500, RSMo Supp. 1995, relating to the Kansas and Missouri Metropolitan Culture District Compact, and to enact one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 818** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Goode	Quick--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 809, introduced by Senator Mathewson, et al, entitled:

An Act to repeal section 172.070, RSMo 1994, relating to curators' attendance at board meetings, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **SB 809** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler

Westfall Wiggins--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 533, 512 and 581**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **SS** for **HB 1047** and has taken up and passed **CCS** for **SS No. 2** for **SS** for **HB 1047**.

Emergency clause adopted.

BILL REFERRALS

President Pro Tem Mathewson referred **SCS** for **SBs 533, 512 and 581** to the Committee on State Budget Control.

On motion of Senator Banks, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 866, regarding the Ninetieth Birthday of Mabel L. Ladendecker, Florissant, which was adopted.

Senator Bentley offered Senate Resolution No. 867, regarding Larry K. Holder, which was adopted.

Senator Banks offered Senate Resolution No. 868, regarding the Faith House, St. Louis, which was adopted.

Senator Mathewson requested unanimous consent of the Senate for the Committee on Judiciary to meet while the Senate is in session, which request was granted.

THIRD READING OF SENATE BILLS

SCS for **SBs 763 and 545**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 763 and 545

An Act to repeal section 376.406, RSMo 1994, and section 167.181, RSMo Supp. 1995, and to enact in lieu thereof three new sections for the purpose of improving access to immunization for children.

Was taken up by Senator Banks.

On motion of Senator Banks, **SCS** for **SBs 763** and **545** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

Klarich	Quick	Staples--3
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 850, introduced by Senator DePasco, entitled:

An Act to repeal section 544.155, RSMo 1994, relating to peace officer arrest powers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator DePasco, **SB 850** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Schneider Staples--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 842, with **SCS**, introduced by Senator Flotron, entitled:

An Act to amend chapter 544, RSMo, by adding one new section relating to federal law enforcement officials.

Was called from the Consent Calendar and taken up.

SCS for **SB 842**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 842

An Act to amend chapter 544, RSMo, by adding one new section relating to federal law enforcement officials.

Was taken up.

Senator Flotron moved that **SCS** for **SB 842** be adopted, which motion prevailed.

On motion of Senator Flotron, **SCS** for **SB 842** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Staples--2
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SB 642, introduced by Senator Rohrbach and **SB 819**, introduced by Senator Melton, with **SCS**, entitled respectively:

An Act to amend chapter 577, RSMo, by adding one new section relating to safety on bridges, with penalty provisions.

An Act to repeal section 306.110, RSMo 1994, relating to watercraft, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Were called from the Consent Calendar and taken up by Senator Rohrbach.

SCS for **SBs 642** and **819**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 642 and 819

An Act to repeal section 306.110, RSMo 1994, relating to public safety offenses, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Rohrbach moved that **SCS** for **SBs 642** and **819** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SBs 642** and **819** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 830, introduced by Senator Moseley, entitled:

An Act to repeal section 195.291, RSMo 1994, relating to prior and persistent drug offenders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Moseley, **SB 830** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls

Staples--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 845, introduced by Senator Klarich, entitled:

An Act to repeal section 246.305, RSMo 1994, relating to certain levee districts, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Klarich, **SB 845** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Graves
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Ehlmann	House	Howard--3
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Absent--Senator Flotron--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 702, with **SCA 1**, introduced by Senator Lybyer, entitled:

An Act to repeal sections 21.530, 21.535 and 21.537, RSMo 1994, relating to the joint committee on capital improvements oversight, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **SB 702**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Moseley Schneider--2

Absent with leave--Senators Scott--1

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SB 835, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal sections 351.200, 351.245, 351.250, 351.265, 351.320, 351.478, 351.482, 351.483 and 351.488, RSMo Supp. 1995, relating to corporations, and to enact in lieu thereof nine new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **SB 835**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Rohrbach	Russell	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Banks Curls Flotron Quick
Schneider--5

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 720, with **SCA 1**, introduced by Senator Staples, entitled:

An Act to repeal section 536.050, RSMo 1994, relating to administrative actions, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Staples moved that **SB 720**, as amended, be read the 3rd time and finally passed.

At the request of Senator Staples, his motion was withdrawn.

SB 537, introduced by Senator Maxwell, entitled:

An Act to amend chapter 41, RSMo, relating to military affairs, by adding thereto one new section relating to the search of persons upon military facilities.

Was called from the Consent Calendar and taken up.

On motion of Senator Maxwell, **SB 537** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Banks Curls--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

Senator Clay assumed the Chair.

Senator Staples moved that **SB 720**, as amended, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Staples, **SB 720**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Banks	Curls	Graves--3
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

SB 664, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal sections 442.605, 442.610, and 442.615, RSMo 1994, relating to real estate settlement agents, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Klarich moved that **SB 664**, as amended, be read the 3rd time and finally passed.

At the request of Senator Klarich, his motion was withdrawn.

SB 731, with **SCAs 1** and **2**, introduced by Senator Mathewson, entitled:

An Act to repeal section 287.160, RSMo 1994, relating to workers' compensation and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 731**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators Scott--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 783, introduced by Senator McKenna, entitled:

An Act to repeal sections 288.380 and 347.187, RSMo 1994, and sections 351.488 and 358.150, RSMo Supp. 1995, relating to unemployment compensation funds, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 783** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Quick--2
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

SB 803, introduced by Senator Melton, entitled:

An Act to repeal section 536.024, RSMo Supp. 1995, relating to administrative rules, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Melton, **SB 803** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	McKenna--3
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 715, introduced by Senators Flotron and McKenna, entitled:

An Act to repeal section 226.445, RSMo 1994, relating to the Mississippi River Parkway Commission, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Flotron.

On motion of Senator Flotron, **SB 715** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler

Westfall

Wiggins--30

Nays--Senators--None

Absent--Senators

Curls

McKenna

Quick--3

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

SB 670, with **SCS**, introduced by Senator Melton, entitled:

An Act to amend chapter 28, RSMo, by adding thereto one new section relating to the creation of the state document preservation fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 670**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 670

An Act to amend chapter 109, RSMo, by adding thereto one new section relating to the creation of the state document preservation fund.

Was taken up.

Senator Melton moved that **SCS** for **SB 670** be adopted, which motion prevailed.

On motion of Senator Melton, **SCS** for **SB 670** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler

Westfall Wiggins--30

Nays--Senators--None

Absent--Senators

Curls McKenna Staples--3

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Treppler moved that motion lay on the table, which motion prevailed.

SB 846, introduced by Senator Treppler, entitled:

An Act to repeal section 620.455, RSMo 1994, relating to the tourism commission, and enacting in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Treppler, **SB 846** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls McKenna--2

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MISCELLANEOUS

Senator Moseley requested unanimous consent of the Senate to correct the committee report made by the Committee on Education on February 20, 1996, by reporting in the correct **SCS** for **SB 694**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 937--By House.

An Act to repeal sections 144.021 and 144.440, RSMo 1994, relating to taxation, and to enact four new sections relating to the same subject, with an effective date.

SB 938--By Graves.

An Act to amend chapter 376, RSMo by adding three new sections relating to payment for drugs for off-label use.

SB 939--By Bentley and Sims.

An Act to repeal sections 135.325, 192.016, 193.125, 210.484, 210.491, 211.444, 211.447, 453.010, 453.014, 453.015, 453.025, 453.030, 453.040, 453.050, 453.065, 453.070, 453.073, 453.075, 453.080, 453.110, 453.170, and 568.175, RSMo 1994, and sections 135.326 and 453.060, RSMo Supp. 1995, relating to adoption, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Gary Mallory, Belton.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Russell Detten, and Dr. Mark Brady, Springfield.

Senator Ehlmann introduced to the Senate, Mike Plackemeier, St. Charles.

Senator Rohrbach introduced to the Senate, his sister, Marilyn Homan, Warrensburg.

Senator Caskey introduced to the Senate, Ann Britt, Victoria Highley and Chet Merriam, Harrisonville.

Senator Russell introduced to the Senate, Jeff Carr, Ken Miller and Ron Carter, Lebanon; and Bruce Mitchell and Ron Slaughter, Camdenton.

On behalf of Senator McKenna and himself, Senator Staples introduced to the Senate, Hal Neisler, Hillsboro.

Senator Singleton introduced to the Senate, Rob O'Brian and Donna Snyder, Joplin.

Senator Kenney introduced to the Senate, R.E. and Laurel Morton, and their children, Ryan, Bret and Andrew, home schoolers from Lee's Summit; Kent and Mary Warner, and their children, Matthew, Marie and Luke; home schoolers from Greenwood; Kevin and Sandy Farrar, and their children Lacey, Hannah and Gabriel, home schoolers from Lee's Summit; and Dustin Steller, Lee's Summit; and Dustin, Lacey, Hannah, Gabriel, Matthew, Marie, Luke, Ryan, Bret and Andrew were made honorary pages.

Senator Kinder introduced to the Senate, Steve McPheeters, Mike Marshall and Judge David Dolan, Sikeston.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTIETH DAY--THURSDAY, FEBRUARY 22, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

Senator McKenna offered the following prayer:

Heavenly Father, the Lenten season begins with Ash Wednesday. It ends with Good Friday, Holy Saturday and Easter Sunday. The Good Book states, "Keep holy the Sabbath." But what we often look most forward to in this body is Thursdays! Thursdays! On Thursdays, we say adieu to our staff, our friends, and our fellow Senators and look forward to precious moments with our families and loved ones. Help us do Your work today, help us to have a safe trip home today and allow everyone to feel as good as we do on Thursdays! In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Wiggins assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

RESOLUTIONS

Senator Sims offered Senate Resolution No. 869, regarding Barbara Merollis-Bishop, which was adopted.

Senator Singleton offered Senate Resolution No. 870, regarding the Eightieth Birthday of Barbara L. Smith, Joplin, which was adopted.

Senator Kenney and Senator Kinder offered Senate Resolution No. 871, regarding Cary Craig Felzien, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 872, regarding the One Hundredth Birthday of Inez Katheryn Brown, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 873, regarding the One Hundredth Birthday of Edward Francis "Ed" Bales, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 874, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Waller, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 875, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. W.R. "Jim" Parker, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 876, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Hutchings, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 877, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert S. Hall, Independence, which was adopted.

Senator Singleton moved that **SR 830**, with **SS** and **SA 1** (pending), be taken up for adoption, which motion prevailed.

SA 1 was taken up.

At the request of Senator Flotron, the above amendment was withdrawn.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 830, Page 192 of the Senate Journal for February 13, 1996, Lines 9-13 of column 2 of said page, by striking all of said lines and inserting in lieu thereof, the following:

"Rule 102. Effective March 15, 1996, no member, officer or staff of the Senate shall accept meals, food, beverage or any such other gift except those reportable pursuant to section 105.470.4(2)(c), RSMo, from any lobbyist or lobbyist principal as defined by chapter 105, RSMo. Any person who violates this rule may satisfy the rule by reimbursing said lobbyist within thirty days of a report pursuant to section 105.470.4(2)(c), RSMo."

Senator Flotron moved that the above amendment be adopted.

Senator Moseley offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Resolution No. 830, Page 1, Line 5 of the amendment, by adding after the word "gift" the words "**which exceeds fifteen dollars in any one day**"; and

Further on line 8 by adding after the word "reimbursing" the words "any sum in excess of fifteen dollars to".

Senator Moseley moved that the above amendment be adopted.

Senator Rohrbach requested a roll call vote be taken on the adoption of **SA 1** to **SA 2** and was joined in his request by Senators Flotron, Kinder, Mueller and Westfall.

SA 1 to **SA 2** was adopted by the following vote:

Yeas--Senators

Bentley	Clay	Curls	DePasco
Flotron	Goode	House	Howard
Johnson	Klarich	Lybyer	Mathewson
Maxwell	Moseley	Quick	Schneider
Singleton	Westfall	Wiggins--19	

Nays--Senators

Banks	Caskey	Ehlmann	Graves
Kenney	Kinder	Melton	Mueller
Rohrbach	Russell	Sims	Treppler--12

Absent--Senators

McKenna	Staples--2
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Absent with leave--Senator Scott--1

Senator Schneider offered **SSA 1** for **SA 2**, as amended, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 830, by deleting all of said Rule and inserting in lieu thereof "Just say No".

Senator Schneider moved that the above substitute amendment be adopted.

Senator Flotron requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2**. He was joined in his request by Senators Clay, Ehlmann, Mueller and Russell.

SSA 1 for **SA 2** failed of adoption by the following vote:

Yeas--Senators

Banks	Clay	Curls	DePasco
Goode	House	Howard	Johnson
Lybyer	Mathewson	Moseley	Quick
Schneider	Wiggins--14		

Nays--Senators

Bentley	Caskey	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Maxwell	Melton	Mueller	Rohrbach
Russell	Sims	Singleton	Treppler
Westfall--17			

Absent--Senators

McKenna	Staples--2
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Absent with leave--Senator Scott--1

SA 2, as amended, was again taken up.

Senator Caskey raised the point of order that the consideration of **SS** for **SR 830** is out of order pursuant to the 24-hour rule.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Mathewson moved that **SR 830**, with **SS** and **SA 2**, as amended, (pending), be referred to the Committee on Rules, Joint Rules and Resolutions.

Senator Flotron requested a roll call vote be taken and was joined in his request by Senators Ehlmann, Mueller, Rohrbach and Sims.

The motion made by Senator Mathewson to refer **SR 830**, with **SS** and **SA 2**, as amended, (pending), to the Committee on Rules, Joint Rules and Resolutions was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
Moseley	Quick	Schneider	Wiggins--16

Nays--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton

Mueller	Rohrbach	Russell	Sims
Singleton	Treppler	Westfall--15	
	Absent--Senators		
McKenna	Staples--2		
	Absent with leave--Senator Scott--1		

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointment, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

M. Elizabeth Kingsley, Ph.D. and John R. Small, Ph.D., as members, and Suzanne P. Nichols and Wayne T. Allen, as public members of the State Committee of Marital and Family Therapists;

Also,

Katherine A. Borman and Kathryn N. Vedder, as members of the Missouri State Milk Board;

Also,

Gene R. Brown, M.A.P.T., as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Doris J. Jones, as a member of the Missouri Training and Employment Council.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointment, which motion prevailed.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 20**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 860**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 708**, begs leave to

report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which were referred **SB 793** and **SB 794**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 846**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 846, Page 1, In the Title, Line 3, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 3, section 105.487, line 17, by inserting after the words "person appointed to office" the following: ", **except any person elected for county committee of a political party pursuant to section 115.617, RSMo,**"; and by adding on page 3, after line 32 following the words "for filing the statement" the following:

"Section B. Because immediate action is necessary to ensure accuracy in the filing of financial statements, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.".

RESOLUTIONS

Senator Goode offered Senate Resolution No. 878, regarding Michael Odell Mitchell, Berkeley, which was adopted.

Senator DePasco offered Senate Resolution No. 879, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Emery E. Deatherage, Kansas City, which was adopted.

Senator Moseley offered Senate Resolution No. 880, regarding Phyllis A. Hardin, Columbia, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were read the 1st time and 1,000 copies ordered printed:

SB 940--By Clay.

An Act to authorize the governor of the state of Missouri to convey certain land of the department of mental health located in the city of St. Louis.

SB 941--By Clay.

An Act to repeal sections 163.011, 163.031 and 163.161, RSMo 1994, relating to state aid for school districts, and to enact in lieu thereof seven new sections relating to the same subject.

SB 942--By Clay.

An Act to repeal sections 99.340, 99.700, 99.710 and 353.110, RSMo 1994, relating to redevelopment of real property, and to enact in lieu thereof six new sections relating to the same subject.

SB 943--By Graves.

An Act to repeal section 138.085, RSMo 1994, relating to boards of equalization, and to enact in lieu thereof one new section relating to the same subject.

SB 944--By Westfall.

An Act to repeal sections 302.525, 302.745, 577.020 and 577.041, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof four new sections relating to the same subject.

SB 945--By Westfall.

An Act to repeal section 70.220, RSMo 1994, relating to cooperation between political subdivisions of the state, and to enact one new section relating to the same subject.

SB 946--By House.

An Act to repeal sections 32.105, 32.110 and 144.020, RSMo 1994, and section 32.125, as enacted by house substitute for senate bill no. 374, first regular session, eighty-eighth general assembly and signed by the governor on June 13, 1995, as that section appears in RSMo Supp. 1995, relating to tax relief for those who provide housing assistance, and to enact six new sections relating to the same subject, with an effective date for certain sections.

SJR 37--By Clay.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 11(c) of article X of the Constitution of Missouri relating to increasing tax rates, and adopting one new section in lieu thereof relating to the same subject.

SJR 38--By Clay.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article X of the Constitution of Missouri relating to relief from taxation, and adopting one new section in lieu thereof relating to the same subject.

SJR 39--By Clay.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 26(b) of article VI of the Constitution of Missouri relating to limitations on indebtedness, and adopting one new section in lieu thereof relating to the same subject.

SJR 40--By Clay.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article X of the Constitution of Missouri relating to relief from taxation, and adopting one new section in lieu thereof relating to the same subject.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 895**, entitled:

An Act to repeal sections 302.175, 302.272 and 304.075, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 844** and **1059**, entitled:

An Act to amend chapters 376 and 379, RSMo, relating to the reorganization of certain mutual insurance companies by adding thereto thirteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1041**, entitled:

An Act to repeal section 252.045, RSMo 1994, relating to lands of the state conservation commission, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 781**, entitled:

An Act relating to certain disclosures relating to the care of patients with Alzheimer's disease.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 927--Ways and Means.

SB 934--Public Health and Welfare.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, Warren Stemme, Chesterfield.

Senator Singleton introduced to the Senate, Carl Bastin, Beth Bastin and Carrie McDowell, Jasper; Anna Baskette, Golden City; and Norman Jantz, Oronogo; and Carrie was made an honorary page.

Senator Caskey introduced to the Senate, Darrell and Debbie Stevener, and their children, Mark and Traci Stevener and Josh Sullins, Rich Hill; and Mark, Traci and Josh were made honorary pages.

Senator Graves introduced to the Senate, Todd Gibson, Norborne; and Paul Thomas and Richard Fordyce, Bethany.

Senator Melton introduced to the Senate, the Physician of the Day, Dr. Randall Cross, and his wife, Robin, Springfield.

Senator Staples introduced to the Senate, members of the Missouri Farm Bureau from around the state.

Senator Westfall introduced to the Senate, Mary Coleman, Crystal Moore, Lyndel Culbertson, Fred Latz and Homer Guernsey, Stockton.

On behalf of Senator Wiggins, the President introduced to the Senate, Richard McIntosh and his family, Jefferson City; and Connor McIntosh was made an honorary page.

Senator Rohrbach introduced to the Senate, his sister-in-law, Sharon Rohrbach, California.

Senator Russell introduced to the Senate, Ryan Gattermeir, Lake Ozark.

Senator Sims introduced to the Senate, Jane Kerlagon, and sixty eighth grade students from Gateway Middle School, Blewett Middle School and Pattonville Holman Middle School, St. Louis City and St. Louis County; and Marquis Simmons, Brian Washington, Abby Dorrin and Greg Coleman were made honorary pages.

Senator Goode introduced to the Senate, Denise Kerns, and her daughter, Diana, St. John; and Diana was made an honorary page.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, February 26, 1996.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY--MONDAY, FEBRUARY 26, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for our way of life, for the democratic process of which we are a part. We pray that You will guide our words and actions so that when citizens see and hear what we do they will want to continue our democracy and our way of life. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 22, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Absent with leave--Senators

Clay	Kenney	Moseley	Scott--4
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 881, regarding Christopher Ray Toeppen, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 882, regarding Peggy Wagner, Jefferson City, which was adopted.

Senator Russell offered Senate Resolution No. 883, regarding Tom M. Carter, Sr., Hartville, which was adopted.

Senator Wiggins offered Senate Resolution No. 884, regarding the death of William Michael Barvick, Jefferson City, which was adopted.

Senator Quick offered Senate Resolution No. 885, regarding Herbert L. Webster, Kearney, which was adopted.

Senator Quick offered Senate Resolution No. 886, regarding David Severenuk, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 887, regarding Chad Michael Spencer, which was adopted.

Senator House offered Senate Resolution No. 888, regarding Henry Joseph Wussler, IV, St. Charles, which was adopted.

Senator Sims offered Senate Resolution No. 889, regarding Lieutenant Colonel Edmund T. Beckett, which was adopted.

Senator Bentley offered Senate Resolution No. 890, regarding the death of Judge Donald Eugene Burrell, Springfield, which was adopted.

Senator Howard offered Senate Resolution No. 891, regarding Christopher Richardson, Poplar Bluff, which was adopted.

Senator Howard offered Senate Resolution No. 892, regarding David Moore, Poplar Bluff, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 947--By Staples.

An Act relating to the conveyance of certain property in St. Francois County.

SB 948--By Russell.

An Act to repeal sections 55.010, 55.050 and 59.020, RSMo 1994, relating to county auditors and recorders of deeds in counties of the first classification, and to enact in lieu thereof three new sections relating to the same subject.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Diane Marie Baker, Republican, 14100 NW 74th Street, Parkville, Platte County, Missouri 64152, as a member of the State Environmental

Improvement and Energy Resources Authority, for a term ending January 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harriet A. Beard, Republican, P.O. Box 1064, Kirksville, Adair County, Missouri 63501, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda D. Beckmeyer, Republican, 20422 S. State Road, Hartsburg, Boone County, Missouri 65039-9771, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen P. Burch, Republican, 601 Germann Court, Rolla, Phelps County, Missouri 65401, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until his successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dennis M. Cory, 850 Melton Avenue, Ozark, Christian County, Missouri 65721, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending February 22, 1998, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry T. Duvall, 803 Commercial, Belton, Cass County, Missouri 64012, as a member of the Kansas City Area Transportation Authority, for a term ending October 13, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

George Eberle, Jr., 1444 Sullivan, St. Louis City, Missouri 63107, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl Fanning, Republican, 302 Broadway, Post Office Box 607, Lamar, Barton County, Missouri 64759, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael R. Foresman, Republican, 515 Pointe Essex, Kirkwood, St. Louis County, Missouri 63122, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert O. Kortkamp, Democrat, 15325 Oaktree Estates Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until his successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth S. Kranzberg, Republican, 50 Picardy Lane, Ladue, St. Louis County, Missouri 63124, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 22, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Colonel Robert G. Lowery, Sr., 1815 Patterson Road, Florissant, St. Louis County, Missouri 63031, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Galen R. McPheeters, Republican, 5445 Possum Hollow Road, Agency, Buchanan County, Missouri 64401, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Avis J. Parman, Democrat, 1104 E. Clark Street Box 8, Albany, Gentry County, Missouri 64402, as a member of the State Environmental Improvement and Energy Resources Authority, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ann Ross, Democrat, 2 Deer Creek Hill, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Geniece M. Rush, 4641 Vernon, St. Louis City, Missouri 63113, as the Student Representative to the Harris-Stowe State College Board of Regents, for a term ending January 1, 1998, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel D. Sawyer, Democrat, 423 W. Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until his successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **SS** for **HB 1047**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, with Senate Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, with Senate Amendment No. 1;
2. That the House recede from its position on House Bill No. 1047;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047 be adopted.

FOR THE SENATE:

/s/ Danny Staples

/s/ William P. McKenna

FOR THE HOUSE:

/s/ Larry Thomason

/s/ Rex Barnett

/s/ Betty Sims

/s/ Irene Treppler

Harold L. Caskey

/s/ Donald Prost

/s/ Gary Witt

/s/ Carson Ross

Senator Staples moved that the above conference committee report be adopted.

Senator Wiggins assumed the Chair.

Senator Caskey offered a substitute motion that the conferees on **CCS** for **SS No. 2** for **SS** for **HB 1047**, be discharged, that new conferees be named, that the bill be returned to conference and that the Senate conferees be instructed to uphold **SS No. 2** for **SS** for **HB 1047**, as amended.

Senator Staples requested a roll call vote be taken on the substitute motion and was joined in his request by Senators Treppler, Sims, Mueller and Johnson.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

I move that the conferees on Conference conferees be instructed to set the speed limit at 70 miles per hour upon rural interstates, freeways and expressways of this state per Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, as amended.

Senator Treppler raised the point of order that **SA 1** is out of order in that **SA 1** is not an amendment, but is a substitute motion for the substitute motion.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Staples raised the point of order that **SA 1** is out of order in that the amendment instructs the conferees to go beyond the limits of the conference.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to the substitute motion was again taken up.

Senator Staples requested a roll call vote be taken and was joined in his request by Senators Mueller, Treppler, Howard and Sims.

At the request of Senator Caskey, **SA 1** was withdrawn.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

I move that the conferees on Conference Committee Substitute for Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047 be discharged, that new conferees be named, that the bill be returned to conference and that the conferees be instructed to mandate that speed limits be lowered or increased by the Department of Highways and Transportation only after an engineering study has been completed and after public hearings have been held per Senate Substitute No. 2 for Senate Substitute for House Bill No. 1047, as amended.

Senator Caskey moved that the above amendment be adopted.

Senator Flotron was recognized to speak on a point of personal privilege.

Senator Schneider rose to offer a substitute amendment.

Senator Caskey rose, stating he had the floor.

Senator Staples raised the point of order that Senator Caskey had yielded the floor for a point of personal privilege.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Quick assumed the Chair.

A quorum was established by the following roll call:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Lybyer	Melton	Russell--3
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Absent with leave--Senators

Clay	Kenney	Moseley	Scott--4
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Senator Wiggins resumed the Chair.

At the request of Senator Caskey, **SA 2** was withdrawn.

At the request of Senator Caskey, the substitute motion was withdrawn.

At the request of Senator Staples, the motion to adopt the conference committee report was withdrawn.

Senator Staples moved that the Senate refuse

to concur in the conference committee report on **SS No. 2** for **SS** for **HB 1047**, as amended, and request the House to grant further conference; and further, that the conferees be bound on language for Highway 71 and the county speed limits only.

Senator Howard offered a substitute motion that the Senate refuse to adopt the conference committee report on **SS No. 2** for **SS** for **HB 1047**, as amended, and request the House to grant further conference, which motion failed on a standing division vote.

Senator Staples renewed his motion that the Senate refuse to concur in the conference committee report on **SS No. 2** for **SS** for **HB 1047**, as amended, and request the House to grant further conference; and further, that the conferees be

bound on language for Highway 71 and the county speed limits only, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 869**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Judiciary, to which was referred **SB 838**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 876**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 874**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 900**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 811**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1259**, entitled:

An Act to repeal section 64.905, RSMo 1994, relating to planning and zoning in certain counties, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1313**, entitled:

An Act to amend chapter 288, RSMo, relating to unemployment security by adding thereto one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 499** to the Committee on State Budget Control.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 893, regarding Mr. Choice (C.V.) Taylor, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Julie Chapman, Student Regent and Eden Aber, Shelby Hesterly, Tori Vicsik, Lydia Meadows, Gary Criter, Sandy Fisk, John Weedn, James Alan Brady, Christopher Gubera, Joshua C. Phillips, Jeff Bader, Brandon Fuhr and Derrick R. Good, students from Missouri Southern State College, Joplin.

Senator Caskey introduced to the Senate, his wife, Kaye and Charles and Margie Fritts, Butler; Kay's brother, Glenn Head, Wentzville and her mother, Virginia Head, Novelty.

The President introduced to the Senate, Congresswoman Karen McCarthy, Kansas City.

Senator Melton introduced to the Senate, the Physician of the Day, Larry Huffman, M.D., Branson.

Senator Sims introduced to the Senate, Dr. Sharon Tiefenbrunn, Dr. Charles Miller and Dr. Jerry Aunberg, St. Louis.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SECOND DAY--TUESDAY, FEBRUARY 27, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Jesus taught us, "Where your treasure is there your heart is also." Lord, help us to establish priorities concerning what is most important to us. Keep our hearts and minds focused on matters that are really important. Keep us from majoring on minors instead of working on majors. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senators Moseley--1

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 949--By Rohrbach.

An Act to repeal sections 33.285 and 33.577, RSMo 1994, relating to state financial administration, with a conditional effective date.

SJR 41--By Sims.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 22(a) and 22(b) of article I of the Constitution of Missouri relating to juries, and adopting two new sections in lieu thereof relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **SCR 19**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCR 19**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

House Schneider--2

Absent with leave--Senator Moseley--1

SENATE BILLS FOR PERFECTION

Senator Sims moved that **SB 547**, with **SS No. 2** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Klarich, **SA 2** was withdrawn.

At the request of Senator Sims, **SS No. 2** for **SB 547** was withdrawn.

Senator Sims offered **SS No. 3** for **SB 547**, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE BILL NO. 547

An Act to repeal sections 557.036, 558.018 and 558.021, RSMo 1994, and sections 566.607 and 566.610, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS No. 3** for **SB 547** be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

On motion of Senator Sims, **SS No. 3** for **SB 547** was declared perfected and ordered printed.

Senator Ehlmann moved that **SB 613** and **SB 714**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 613** and **714**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 613 and 714

An Act to amend chapter 392, RSMo, by adding one new section relating to cable television services to occupants of certain properties.

Was taken up.

Senator Ehlmann moved that **SCS** for **SBs 613** and **714** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 613 and 714, Page 1, Section 392.172, Line 18, by deleting the "," comma after the word "owner" on said line and add in lieu thereof the following: "and an".

Senator McKenna moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 613 and 714, Page 2, Section 392.172, Lines 20-23, by deleting said lines in their entirety and inserting in lieu thereof the following:

"3. The cable television franchise installing such cable television facilities shall agree to pay a hook up fee of \$50.00 per dwelling unit, plus a \$10.00 usage fee per month per dwelling unit, for the use of the owner's property.

Any damages caused by installation, operation or removal of such cable television facilities in excess of \$50.00 shall be indemnified by the cable franchisee."

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SB 613** and **SB 714**, with **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the second time and referred to the Committees indicated:

SB 916--Public Health and Welfare.

SB 917--Public Health and Welfare.

SB 918--Insurance and Housing.

SB 919--Elections, Pensions and Veterans' Affairs.

SB 920--Insurance and Housing.

SB 921--Public Health and Welfare.

SB 922--Civil and Criminal Jurisprudence.

SB 923--Transportation.

SB 925--Agriculture and Local Government.

SB 926--Education.

SB 928--Agriculture and Local Government.

SB 929--Civil and Criminal Jurisprudence.

SB 930--Commerce and Environment.

SB 931--Appropriations.

SB 932--Public Health and Welfare.

SB 933--Commerce and Environment.

SB 935--Insurance and Housing.

SB 936--Civil and Criminal Jurisprudence.

SB 937--Aging, Families and Mental Health.

SB 938--Public Health and Welfare.

SB 939--Aging, Families and Mental Health.

SB 940--Aging, Families and Mental Health.

SB 941--Education.

SB 942--Financial and Governmental Operations.

SB 943--Agriculture and Local Government.

SB 944--Transportation.

SB 945--Agriculture and Local Government.

SB 946--Ways and Means.

SB 947--Aging, Families and Mental Health.

SJR 37--Ways and Means.

SJR 38--Ways and Means.

SJR 39--Ways and Means.

SJR 40--Ways and Means.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 950--By Schneider.

An Act to repeal sections 374.700, 374.715, 374.725, 374.750 and 374.755, RSMo 1994, relating to regulation of bail bondsmen, and to enact in lieu thereof six new sections relating to the same subject.

SB 951--By Ehlmann and Kenney.

An Act to amend chapter 208, RSMo, by adding thereto sixteen new sections relating to a community partnership program.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 894, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward McAdam, Parkville, which was adopted.

On motion of Senator Banks, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

On behalf of Senator Moseley, Senator Banks offered Senate Resolution No. 895, regarding Gus H. Kolilis, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 952--By Mathewson.

An Act to repeal section 198.439, RSMo 1994,
relating to nursing facility reimbursement allowance, and to enact one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Ehlmann moved that **SB 613** and **SB 714**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion failed.

Senator Klarich offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 613 and 714, Page 2, Section 372.172, Line 23, by adding at the end thereof the following:

"4. Notwithstanding any provision herein to the contrary, the owner of said residential dwelling hereunder may authorize any competing franchise cable provider access to such service delivery to the exclusion of any other provider."

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Quick assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Ehlmann moved that **SCS** for **SBs 613** and **714** be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SCS** for **SBs 613** and **714** was declared perfected and ordered printed.

Senator Quick moved that **SB 676** be taken up for perfection, which motion prevailed.

Senator Quick offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 676, Page 1, In the Title, Line 2, by striking "and 206.110" and inserting in lieu thereof the following: ", 206.110 and 206.157"; and further on line 4, by striking the word "four" and inserting in lieu thereof the word "five"; and

Further amend said bill, page 1, section A, line 1, by striking "and 206.110" and inserting in lieu thereof the following: ", 206.110 and 206.157"; and further on line 2 by striking the word "four" and inserting in lieu thereof the word "five"; and further on line 3, by striking "and 206.110" and inserting in lieu thereof the following: ", 206.110 and 206.157"; and

Further amend said bill, page 6, section 206.110, line 74, by inserting after said line, the following:

"206.157. 1. A hospital district may[, in the manner provided in subsection 2 of this section,] sell and convey property of the district, both real and personal, **in the manner provided in subsection 2 of this section for real property and in the manner provided in subsection 3 of this section for personal property**, which is no longer needed by the district to carry out the purposes for which the district was organized, including hospital buildings and grounds which have been adequately replaced by other hospital buildings and grounds, provided that all bonds of the district, whether general obligation bonds constituting a lien on the property no longer needed, or revenue bonds constituting a lien on the revenue arising from the operation of such property, have been paid in full; or a sum sufficient to pay all of such bonds, together with interest accrued or to accrue thereon, together with any other items of expense provided in such bonds, is deposited with the fiscal agent named in the bonds for the purpose of full payment; or

consent in writing is obtained from all of the holders of the bonds.

2. [Upon filing with the county clerk of the county in which the original petition to organize the district was filed a certified copy of a resolution adopted by the board of directors of the hospital district to sell specified property of the district, setting forth the reasons why the property is no longer needed by the district and the manner in which the conditions of the provisions in subsection 1 of this section have been satisfied, the clerk shall present the resolution to the county commission. If the commission is satisfied that the statements in the resolution are true and valid, it shall by order entered of record approve the resolution. The board of directors of the district may then proceed to sell and convey the property. The deed shall be executed under the hand and seal of the secretary of the board of directors of the hospital district for and on behalf of the hospital district, and shall be sufficient to convey to the purchaser all the right, title, interest and estate which the hospital district has in the property.] **Upon receipt of a request for sale of excess real property, the board of directors of the hospital district shall review the reasons why the specified real property is no longer needed by the hospital district and the manner in which the conditions of the provisions of subsection 1 of this section have been satisfied. If the board of directors is satisfied that the statements and the reasons are true and valid, it shall adopt a resolution approving the sale or other disposition of the specified real property. A certified copy of the board of director's adopted resolution to sell or otherwise dispose of specified real property of the district shall be filed with the county clerk of the county in which the original petition to organize the district was filed. If the court is satisfied that the statements in the resolution are true and valid, it shall by order approve the resolution. The board of directors of the hospital district shall then proceed to sell, convey or otherwise dispose of the specified real property pursuant to the terms of the resolution adopted by the board of directors. The deed shall be executed under the hand and seal of the secretary of the board of directors of the hospital district for and on behalf of the hospital district and shall be sufficient to convey to purchaser or other recipient all the right, title, interest and estate which the hospital district has in the specified real property.**

3. **Upon receipt of a request for sale of excess personal property, the board of directors of the hospital district shall review the reasons why the specified personal property is no longer needed by the hospital district and the manner in which the conditions of the provisions of subsection 1 of this section have been satisfied. If the board of directors is satisfied that the statements and the reasons are true and valid, it shall adopt a resolution approving the sale or other disposition of the specified personal property. The board of directors of the hospital district shall then proceed to sell, convey or otherwise dispose of the specified personal property pursuant to the terms of the resolution adopted by the board of directors. Any bill of sale required shall be executed under the hand and seal of the secretary of the board of directors of the hospital district for and on behalf of the hospital district and shall be sufficient to convey to purchaser or other recipient all the right, title, interest and estate which the hospital district has in the specified personal property.**

[3.] 4. The proceeds from the sale of the **real or personal** property remaining after the expenses of the [sale of the] property have been paid shall be placed in the treasury of the district and used to carry out the purposes for which the district was organized.".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Quick, **SB 676**, as amended, was placed on the Informal Calendar.

Senator Howard moved that **SB 569**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 569**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 569

An Act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 569** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 569, Page 6, Section 210.150, Line 161, by inserting immediately after "5." the following: "**No person with access to records maintained pursuant to subsection 3 of this section shall use such records in any child custody or visitation proceeding.**"

6. Except as provided in subdivision (8) of subsection 2 of this section, no employer shall have access to or use any employee's records, contained in the central registry or maintained by the division pursuant to subsection 3 of this section, for the purpose of hiring, promoting, firing, reassigning, demoting or making any other personnel decisions regarding such employee.

7."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 569, Page 6, Section 210.152, Line 17, by inserting immediately after "(3)" the following: "**Any person, official or institution intentionally filing a false report shall be subject to the penalty provisions as provided by section 210.165. In addition, in the case of court adjudication as provided by section 210.165, any person or official employed by the division intentionally filing a false report of child abuse or neglect shall be subject to the following:**"

(a) Suspension of employment not to exceed three months for a first offense;

(b) Termination of employment for a second offense.

(4)"; and further amend line 20, by striking "(4)" and inserting in lieu thereof the following: "(5)".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Howard moved that **SCS** for **SB 569**, as amended, be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 569**, as amended, was declared perfected and ordered printed.

Senator Quick moved that **SB 676**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 676, Page 1, Section 96.196, Line 3, by inserting immediately after the word "activities" on said line, the following: "**, except in counties of the third or fourth classification (other than the county in which the hospital is located) where there already exists a hospital organized pursuant to chapters 96, 205 or 206, RSMo; provided, however, that this exception shall not prohibit the continuation of existing activities otherwise allowed by law**"; and

Further amend said bill, page 1, section 205.160, line 2, by inserting after the word "counties," the following: "**except**

in counties of the third or fourth classification (other than the county in which the hospital is located or is intended to be located) where there already exists a hospital organized pursuant to chapters 96, 205 or 206, RSMo; provided, however, that this exception shall not prohibit the continuation of existing activities allowed by law,"; and

Further amend said bill, page 2, section 205.190, line 35, by inserting after the word "county," the following: **"except in counties of the third or fourth classification (other than the county in which the hospital is located) where there already exists a hospital organized pursuant to chapters 96, 205 or 206, RSMo; provided, however, that this exception shall not prohibit the continuation of existing activities allowed by law,"; and**

Further amend said bill, page 4, section 206.110, line 2, by inserting after the word "district," the following: **"except in counties of the third or fourth classification (other than the county or counties in which the district is located) where there already exists a hospital organized pursuant to chapters 96, 205 or 206, RSMo; provided, however, that this exception shall not prohibit the continuation of existing activities allowed by law,".**

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 676**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SJR 29** be taken up for perfection, which motion prevailed.

On motion of Senator Maxwell, **SJR 29** was declared perfected and ordered printed.

SB 572 was placed on the Informal Calendar.

Senator Maxwell moved that **SB 795**, **SB 542** and **SB 563**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 795, 542 and 563**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 795, 542 and 563

An Act to repeal sections 137.073, 151.150, 163.011, 163.021 and 163.025, RSMo 1994, relating to state aid for public schools, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **SCS** for **SBs 795, 542 and 563** be adopted.

Senator Maxwell offered **SS** for **SCS** for **SBs 795, 542 and 563**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 795, 542 and 563

An Act to repeal sections 137.073, 151.150, 163.011, 163.021, 163.025 and 164.073, RSMo 1994, relating to state aid for public schools, and to enact in lieu thereof five new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SCS** for **SBs 795, 542 and 563** be adopted.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, page 12, Section 151.150, Line 1, by inserting immediately before said line the following:

"143.171. 1. For all tax years beginning before January 1, 1994, for an individual taxpayer and for all tax years beginning before September 1, 1993, for a corporate taxpayer, the taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

2. For all tax years beginning on or after January 1, 1994, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

3. For all tax years beginning on or after January 1, 1997, an individual taxpayer shall be allowed a deduction for his federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed six thousand dollars on a single taxpayer's return or twelve thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels, and lubricating oils).

[3.] **4.** For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by section 31 (tax withheld on wages), section 27 (tax of foreign country and United States possessions), and section 34 (tax on certain uses of gasoline, special fuels and lubricating oils).

[4.] **5.** If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Lybyer raised the point of order that **SA 1** is out of order in that it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bills on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Wiggins offered the following concurrent resolution, which was referred to the Committee on Rules, Joint

Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 23

WHEREAS, the Board of Curators of the University of Missouri desires to convey property constituting a part of University Park in Kansas City, Jackson County to the Ewing Marion Kauffman Foundation; and

WHEREAS, Section 172.020, RSMo, provides that the conveyance of any land contained within a university campus must be approved by the general assembly by passage of a concurrent resolution signed by the governor; and

WHEREAS, the property to be conveyed is more particularly described as follows:

(1) All land to the west of Rockhill Road, approximately 3.5 acres;

(2) Approximately 24 acres on the west end of the land to the east of Rockhill Road;

The University will retain ownership of approximately 10 contiguous acres to the immediate west of Troost Avenue; and

WHEREAS, the property will be used by the Kauffman Foundation, including the Conservation Commission and the Powell Gardens, as described in their proposal to the Board of Curators on February 22, 1996; and

WHEREAS, the Kauffman Foundation will pay the University of Missouri \$12,000,000 at the time of conveyance of the properties; and

WHEREAS, the University will provide access from Troost Avenue into the east edge of the property conveyed to the Kauffman Foundation. The University will use its approximately 10 acres for purposes generally compatible with the development by the Kauffman Foundation. Specific University uses may include academic and/or University research facilities, athletic facilities, and student housing; and

WHEREAS, the proceeds from this transaction, to include the funds paid by the Kauffman Foundation and the land returned to the UMKC campus, will be valued and distributed by the University per the agreement with the University of Kansas City Trustees. From the proceeds from the Kauffman Foundation, \$2.2 million will be used for two endowed chairs for the UMKC campus, with the specific disciplines to be determined by the Kauffman Foundation and the UMKC Chancellor. An additional \$2 million from proceeds will be dedicated to funding a new multipurpose auditorium on the UMKC campus; the auditorium will be named by the Kauffman Foundation;

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the 88th General Assembly, the House of Representatives concurring therein approves and authorizes the conveyance of the aforesaid real property by the Curators of the University of Missouri to the Ewing Marion Kauffman Foundation; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to submit this resolution upon passage by both Houses of the General Assembly, to the governor for approval pursuant to section 172.020, RSMo, and that upon such approval to send a copy thereof to the Curators of the University of Missouri.

REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 860**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute No. 2, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 598**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 3** for **SB 547**,

begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 648**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 905**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Scott, Chairman of the Committee on Corrections and General Laws, submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 898**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 510**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 896, regarding the death of John J. Fallon, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 897, regarding the death of Margaret Donahue Murphy, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, his brother, Leon and wife, Shirley Caskey and Jack and Shirley Gurney, Clinton.

Senator Flotron introduced to the Senate, Penny Braun; Dr. Armon Yanders, Columbia; and Blake Williams, Kansas City.

Senator Melton introduced to the Senate, the Physician of the Day, Robert Shaw, M.D. and his daughter, Kim, Willow Springs.

Senator Caskey introduced to the Senate, Bob Mickey, Holden.

On behalf of Senator Wiggins, the President introduced to the Senate, Mayor Jack Nesbitt, Sue Hofmann, Dick Strong, Penny Hoffman and former Representative Bob Sego, Raytown; and members of the Raytown Chamber of Commerce.

Senator Bentley introduced to the Senate, Noah Lott, Billings; Brett McHenry, Vic Shelton, Kevin Robbins, Meredith Irvin, Pam Hogue, Paul Nahon and Jeff Gossman, Springfield; and Steve Villegas, Nixa.

Senator Johnson introduced to the Senate, Barbara and Marilyn Maxwell, St. Joseph.

On behalf of Senator Wiggins, the President introduced to the Senate, Tom Fritts, Michael Furey, Doug McCormick,

Bev Hatley, Ken Bonar, Billy D. Tudor, Debbie and Marvin Vickroy, Kim Curtis, Vickie Robertson, Mark Leeper, Cheryl Kelley, Lisa Shoemaker, Jeff Greenway, Phyllis Edson, George Earl and Kenneth L. Cox, members of the South Kansas City and Grandview Chambers of Commerce.

Senator Kenney introduced to the Senate, Meghan, Dustin, Morghan and Stacey Harp and Norma Bratland, Lee's Summit; and Meghan, Dustin and Morghan were made honorary pages.

Senator Rohrbach introduced to the Senate, Rick Clark, Mary Lee Roberts and Don Downing, Cole County; and Carol Loy and Doris Jeanne Meeds, Benton County.

Senator Melton introduced to the Senate, members of the Douglas County University Extension Council.

Senator Singleton introduced to the Senate, Peggy Lentz and Mike Landis, Joplin; and Doug Winters, Webb City.

Senator Howard introduced to the Senate, Bill and Nancy Green, Malden.

Senator Westfall introduced to the Senate, Mike Madewell, Matt Terry, Les Fielder, Chris Cloud, Cheri Davidson, Stephanie Legan, Dr. Anson Elliott and Greg and Barbara Mathews, Springfield.

Senator Westfall introduced to the Senate, Wilma Jean Lawer, Imogene Agee, Dale and Elaine Huff and Keith Pareminter, Polk County.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-THIRD DAY--WEDNESDAY, FEBRUARY 28, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, there is an old song that says, "When you are down and feel all alone you can call on me." We are thankful to know that when we are feeling low, we can call upon You for comfort, guidance and help. We pray for You to make Your presence known to us today. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 898, regarding Nicholas Adam "Nick" Puzzella, St. Peters, which was adopted.

Senator Ehlmann offered Senate Resolution No. 899, regarding Jeremy Michael Rootz, St. Peters, which was adopted.

Senator Lybyer offered Senate Resolution No. 900, regarding the North Callaway High School FFA Farm Business Management Team, which was adopted.

Senator Lybyer offered Senate Resolution No. 901, regarding the North Callaway High School FFA Agriculture Sales Team.

Senator Bentley offered Senate Resolution No. 902, regarding Mr. George Frazier, which was adopted.

Senator Bentley offered Senate Resolution No. 903, regarding Mr. Larry Phillips, which was adopted.

Senator Bentley offered Senate Resolution No. 904, regarding Dr. Mary Jo Wynn, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 905, regarding Mr. J.H. (Jesse Herbert) "Speedy" Collins, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 953--By Kenney and Kinder.

An Act to repeal section 130.031, RSMo 1994, relating to campaign contributions, and to enact two new sections relating to the same subject.

SB 954--By Bentley.

An Act to amend chapter 161, RSMo, by adding one new section relating to waiving administrative rules for school districts.

BILL REFERRALS

President Pro Tem Mathewson referred **SS No. 3** for **SB 547** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dorothy Stroh Becvar, as a member of the State Committee of Marital and Family Therapists;

Also,

Daniel D. Sawyer, Linda D. Beckmeyer, Cheryl Fanning, Stephen P. Burch and Robert O. Kortkamp, as members of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Arthur F. Shinn and Kenneth A. Michel, as members of the Drug Utilization Review Board.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There

being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 569**, **SCS** for **SBs 613** and **714**, **SB 676** and **SJR 29**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 578, introduced by Senator Maxwell, entitled:

An Act to repeal section 43.050, RSMo 1994, relating to the state highway patrol, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Maxwell, **SB 578** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

At the request of Senator Russell, **SB 558** was placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

SJR 32, introduced by Senator DePasco, et al, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 12 of article IV of the Constitution of Missouri relating to the executive department, and adopting two new sections in lieu thereof relating to the same subject.

Was taken up by Senator DePasco.

On motion of Senator DePasco, **SJR 32** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Goode	Howard	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Russell	Schneider	Scott
Staples	Treppler	Wiggins--19	

Nays--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Sims	Singleton
Westfall--13			

Absent--Senators

Clay	House--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to grant further conference on **CCR** for **SS No. 2** for **SS** for **HB 1047**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 991**, entitled:

An Act to repeal sections 226.005, 390.150, 508.070 and 622.010, RSMo 1994, relating to motor carriers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 818**, entitled:

An Act to amend chapters 491 and 540, RSMo, relating to witnesses by adding thereto two new sections relating to witness immunity, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1177**, entitled:

An Act to repeal section 447.543, RSMo 1994, relating to unclaimed property proceeds, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 499**, **SCS** for **SBs 533, 512 and 581**, and **SS No. 3** for **SB 547**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 533, 512 and 581**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 533, 512 and 581

An Act to amend chapter 376, RSMo, by adding one new section relating to certain health insurance benefits following the birth of a child.

Was taken up by Senator House.

On motion of Senator House, **SCS** for **SBs 533, 512 and 581** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Mueller
Quick	Russell	Scott	Sims
Treppler	Westfall	Wiggins--27	

Nays--Senators

Rohrbach Singleton--2

Absent--Senators

Moseley Schneider Staples--3

Absent with leave--Senators

Banks McKenna--2

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

Senator Quick assumed the Chair.

SS No. 3 for **SB 547**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE BILL NO. 547

An Act to repeal sections 557.036, 558.018 and 558.021, RSMo 1994, and sections 566.607 and 566.610, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Sims, **SS No. 3** for **SB 547** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Moseley--1

Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Klarich moved that **SB 664**, as amended, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klarich, **SB 664**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick

Russell	Schneider	Scott	Singleton
Treppler	Westfall	Wiggins--27	
	Nays--Senators		
Kenney	Rohrbach--2		
	Absent--Senators		
Lybyer	Sims	Staples--3	
	Absent with leave--Senators		
Banks	McKenna--2		

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 904, introduced by Senator Quick, entitled:

An Act to repeal section 64.905, RSMo 1994, relating to planning and zoning in certain counties, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 904** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Lybyer--1

Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 657, with **SCS**, introduced by Senators Westfall and Russell, entitled:

An Act to repeal section 570.010, RSMo 1994, relating to livestock theft, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Westfall.

SCS for **SB 657**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 657

An Act to repeal section 570.030, RSMo 1994, relating to the crime of stealing, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SB 657** be adopted, which motion prevailed.

Senator Westfall was recognized to close.

President Pro Tem Mathewson referred **SCS** for **SB 657** to the Committee on State Budget Control.

SB 826, introduced by Senator Treppler, entitled:

An Act to repeal section 319.200, as enacted by senate committee substitute for house committee substitute for house bills nos. 1434 and 1490 of the second regular session of the eighty-sixth general assembly and signed by the governor on July 9, 1992, and section 319.200, as enacted by senate substitute for house substitute for house bill no. 1574 of the second regular session of the eighty-sixth general assembly and signed by the governor on July 6, 1992, as both sections appear in RSMo 1994, relating to seismic construction and renovation ordinances, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Treppler, **SB 826** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 806, with **SCS**, introduced by Senator Kinder, entitled:

An Act to repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 806

An Act to repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SB 806** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SB 806** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson

Maxwell	Melton	Moseley	Mueller
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Graves	Quick--2
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Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 870, introduced by Senators Staples and Goode, entitled:

An Act to authorize the department of highways and transportation to convey certain lands of the department of highways and transportation in Shannon County, Missouri.

Was called from the Consent Calendar and taken up by Senator Staples.

On motion of Senator Staples, **SB 870** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Maxwell
Melton	Moseley	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Graves Mathewson Quick--3

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 780, introduced by Senator Staples, entitled:

An Act to repeal sections 390.150 and 622.010, RSMo 1994, relating to motor carriers, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Staples, **SB 780** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Flotron	Goode	House
Johnson	Mathewson	Maxwell	Moseley
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Treppler	Westfall

Wiggins--21

Nays--Senators

Ehlmann	Graves	Howard	Kenney
Kinder	Klarich	Lybyer	Melton
Mueller	Quick	Singleton--11	

Absent--Senators--None

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 792, introduced by Senator Westfall, entitled:

An Act to repeal section 301.330, RSMo 1994, relating to the display of information on commercial motor vehicles, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Quick resumed the Chair.

On motion of Senator Westfall, **SB 792** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

SB 499, introduced by Senator Russell, entitled:

An Act relating to special motor vehicle license plates for certain veterans.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 499** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Mueller--1

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Rohrbach moved that motion lay on the table, which motion prevailed.

SB 522, introduced by Senator Rohrbach, et al, entitled:

An Act to repeal section 302.272, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SB 522** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples

Treppler Westfall Wiggins--31

Nays--Senator Howard--1

Absent--Senators--None

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 632, with **SCA 1**, introduced by Senator Staples, entitled:

An Act to repeal section 301.041, RSMo 1994, relating to commercial vehicle registration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 632**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Ehlmann	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay Flotron--2

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 758, with **SCS**, introduced by Senator Singleton, entitled:

An Act to repeal section 700.455, RSMo 1994, relating to manufactured homes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 758**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 758

An Act to repeal section 700.455, RSMo 1994, relating to manufactured homes, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 758** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 758** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

DePasco Kinder--2

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 768, introduced by Senator Howard, entitled:

An Act to repeal sections 402.215 and 473.657, RSMo 1994, relating to Missouri family trust, and to enact three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Howard, **SB 768** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

DePasco Lybyer--2

Absent with leave--Senators

Banks McKenna--2

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

SB 659, introduced by Senator Bentley, entitled:

An Act to amend chapter 190, RSMo, by adding one new section relating to the provisions of emergency response services.

Was called from the Consent Calendar and taken up.

On motion of Senator Bentley, **SB 659** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

DePasco	Lybyer	Staples--3
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Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 727, introduced by Senator Johnson, entitled:

An Act to repeal section 630.140, RSMo 1994, relating to confidential records, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 727** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

DePasco	Lybyer	Scott--3
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Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 694, with **SCS**, introduced by Senator Moseley, entitled:

An Act to amend chapter 172, RSMo, by adding three new sections relating to police officers of the state university.

Was called from the Consent Calendar and taken up by Senator Moseley.

SCS for **SB 694**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 694

An Act to repeal section 172.350, RSMo 1994, relating to police officers of the state university, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Moseley moved that **SCS** for **SB 694** be adopted, which motion prevailed.

On motion of Senator Moseley, **SCS** for **SB 694** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

DePasco	Scott	Staples--3
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Absent with leave--Senators

Banks	McKenna--2
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The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 709** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Maxwell offered **SS** for **SB 709**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 709

An Act to repeal sections 105.959, 105.961 and 130.032, RSMo 1994, and section 105.955, RSMo Supp. 1995, relating to certain public officials, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for a certain section.

Senator Maxwell moved that **SS** for **SB 709** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 709, Page 1, Section A, Line 4 by inserting immediately after said line, the following:

"105.470. 1. [As used in this section, unless the context requires otherwise] **Unless otherwise defined in this chapter**, the following words and terms mean:

(1) "Executive lobbyist", any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the reporting period for the benefit of an official or employee of the executive branch of state government in connection with such activity. An "executive lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

(2) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is canceled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the

following:

- (a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;
- (b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;
- (c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130, RSMo;
- (d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;

(3) "Honorarium", any payment made to an individual for attending a public gathering which exceeds the actual expenses incurred by the individual for the individual's necessary travel, lodging and admittance fees for the public gathering. An honorarium shall not include any nonmonetary award or prize;

[(3)] **(4) "Legislative lobbyist", any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:**

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the reporting period for the benefit of a public official in connection with such activity. A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. A "legislative lobbyist" shall not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Responding to any request for information made by any public official or employee of the legislative branch of government;

b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;

d. Testifying as a witness before the general assembly or any committee thereof;

[(4)] **(5) "Lobbyist", any natural person defined as an executive lobbyist or a legislative lobbyist;**

[(5)] **(6) "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit**

corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

[(6)] (7) "Public official", any member or member-elect of the general assembly, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

2. Each lobbyist shall, not later than five days after beginning any activities as an executive lobbyist or a legislative lobbyist, file standardized registration forms, verified by a written declaration that it is made under the penalties of perjury, with the commission. The forms shall include the lobbyist's name and business address, the name and address of all persons he employs for lobbying purposes, the name and address of each lobbyist principal by whom he is employed or in whose interest he appears or works. The commission shall maintain files on all lobbyists' filings, which shall be open to the public. Each lobbyist shall file an updating statement under oath within one week of any addition, deletion, or change in the lobbyist's employment or representation.

3. Each person shall, before giving testimony before any committee of the general assembly, give to the secretary of such committee such person's name and address and the identity of any lobbyist or organization, if any, on whose behalf such person appears.

4. (1) During any period of time in which a lobbyist continues to act as an executive lobbyist or a legislative lobbyist, the lobbyist shall file with the commission on standardized forms prescribed by the commission reports which shall cover the following dates:

(a) A report covering the period of January first to June thirtieth, which shall be filed on or before July fifteenth;

(b) A report covering the period of July first to December thirty-first, which shall be filed on or before January fifteenth of the following year.

(2) Each report filed pursuant to this subsection shall include a statement, verified by a written declaration that it is made under the penalties of perjury, setting forth the following:

(a) The total of all expenditures by the lobbyist or his lobbyist principals made on behalf of all public officials, their staffs and employees, and their spouses and dependent children, which expenditures shall be separated into at least the following categories by the executive branch and legislative branch of government: Printing and publication expenses; media and other advertising expenses; travel; entertainment; meals, food and beverages, including expenditures reported pursuant to section 105.498; honorariums; and gifts;

(b) An itemized listing of the name of the recipient and the nature and amount of each expenditure by the lobbyist or his lobbyist principal, including a service or anything of value, which exceeds fifty dollars in the aggregate for all expenditures made during any reporting period, paid or provided to or for a public official, such official's staff, employees, spouse or dependent children. Expenditures reported pursuant to section 105.498 are to be considered for purposes of determining the aggregate amount of expenditures pursuant to this paragraph, except that such expenditures need not be separately reported in a report required by this subsection if such expenditures were reported in a report under section 105.498, but shall be aggregately reported. For purposes of this paragraph, expenditures made on behalf of a staff member or employee of any public official shall be reported by the name of the staff member or employee and not by the name of the public official;

(c) Expenditures made by a lobbyist or lobbyist principal for any occasion when reported for listing on an events calendar maintained by the chief clerk of the house of representatives or the secretary of the senate at least three days in advance may be reported pursuant to this paragraph and not under paragraph (b) of this subdivision, when any of the following are invited in writing:

a. All members of the senate;

b. All members of the house of representatives;

c. All members of a joint committee of the general assembly or a standing committee of either the house of representatives or senate; or

d. All members of a caucus of the general assembly if the caucus consists of at least ten members, a list of the members of the caucus has been previously filed with the ethics committee of the house or the senate, and such list has been approved by either of such ethics committees. The identity of the group invited, the date and description of the occasion and the amount of the expenditure shall be reported pursuant to this paragraph, except that such expenditure need not be separately reported in a report required by this subsection if such expenditure was reported in a report under section 105.498;

(d) Any expenditure made on behalf of a public official, or the public official's staff, employees, spouse or dependent children, if such expenditure is solicited by such public official, the public official's staff, employees, or spouse or dependent children, from the lobbyist or his lobbyist principals and the name of such person or persons, except that such expenditure need not be separately reported in a report required by this subsection if such expenditure was reported in a report under section 105.498;

(e) For each lobbyist principal by whom the lobbyist was employed, or in whose behalf the lobbyist acted, a general description of the proposed legislation or action by the executive branch which the lobbyist supported or opposed;

(f) A statement detailing any direct business relationship or association or partnership the lobbyist has with any public official. The reports required by this paragraph shall cover the time periods since the filing of the last report or since the lobbyist's employment or representation began, whichever is most recent.

(3) In lieu of filing reports under subdivision (1) of this subsection, a lobbyist may at the time of registration and annually thereafter, file a statement of limited activity, stating that the lobbyist has no intention of making total expenditures of fifty dollars or more during any reporting period. If during any reporting period a lobbyist who has filed a statement of limited activity makes expenditures which aggregate fifty dollars or more, such lobbyist, within ten days after such expenditures are made, shall file a report pursuant to subdivision (1) of this subsection, and shall file reports for each reporting period thereafter unless the lobbyist files a new statement of limited activity.

5. No expenditure reported pursuant to this section shall include any amount expended by a lobbyist or lobbyist principal on himself. All expenditures disclosed pursuant to this section shall be valued on the report at the actual amount of the payment made, or the charge, expense, cost, or obligation, debt or bill incurred by the lobbyist or the person the lobbyist represents. Whenever a lobbyist principal employs more than one lobbyist, expenditures of the lobbyist principal shall not be reported by each lobbyist, but shall be reported by one of such lobbyists. Admissions to sporting, educational or informational events within the state of Missouri, if the event is controlled or sponsored by the transferor, shall be reported either by dollar value or by the identity of the sponsor and a description identifying the date and nature of the event, and in such instances it is not necessary to assign a value for expenditures for such admissions and costs related thereto.

6. Any lobbyist principal shall provide in a timely fashion whatever information is reasonably requested by the lobbyist principal's lobbyist for use in filing the reports required by this section.

7. All information required to be filed under the provisions of this section with the commission shall be kept available by the administrative secretary of the commission at all times open to the public for inspection and copying for a reasonable fee for a period of five years from the date when such information was filed.

8. No person shall knowingly employ any person who is required to register as a registered lobbyist but is not registered pursuant to this section. No person shall knowingly employ a lobbyist who is not registered pursuant to this section, or employ a lobbyist convicted pursuant to section 105.478 within two years of such conviction. Any person who knowingly violates this subsection shall be subject to a civil penalty in an amount of not more than five thousand dollars for each violation. Such civil penalties shall be collected by action filed by the commission.

9. No lobbyist shall knowingly omit, conceal, or falsify in any manner information required pursuant to this section.

10. The prosecuting attorney of Cole County shall be reimbursed out of funds appropriated by the general assembly for investigations and prosecutions for violations of this section.

11. In addition to any penalty prescribed by law, any person convicted pursuant to section 105.478 shall not be permitted to register as a lobbyist or appear as a lobbyist before the general assembly or executive branch or any department, division or agency of the executive branch for a period of two years.

12. **The commission shall notify each statewide elected official and each member of the general assembly when the official or member is identified in any report filed pursuant to this section.** Any public official or other person whose name appears in any lobbyist report filed pursuant to this section who contests the accuracy of the portion of the report applicable to such person may petition the commission for an audit of such report and shall state in writing in such petition the specific disagreement with the contents of such report. The commission shall investigate such allegations in the manner described in section 105.959. If the commission determines that the contents of such report are incorrect, incomplete or erroneous, it shall enter an order requiring filing of an amended or corrected report.

105.471. 1. Except as provided in subsection 2 of this section, no lobbyist as defined in paragraph (a) of subdivision (4) of subsection 1 of section 105.470, RSMo, or lobbyist principal of such lobbyist shall provide to, or on behalf of, any public official, any officer or employee of the general assembly or the spouse or dependent child of such person:

(1) An honorarium;

(2) Any gift;

(3) Any expenditure consisting of tickets, passes or other waiver of fees or expenses for any sporting, recreational or entertainment event; or

(4) Any meals, food or beverages.

2. The provisions of subsection 1 of this section shall not apply:

(1) If the public official, spouse or dependent child of the public official pays the market value or promptly returns the item in substantially the same condition to the lobbyist or lobbyist principal of such lobbyist;

(2) When the expenditure is made pursuant to paragraph (c) of subdivision (2) of subsection 4 of section 105.470; or

(3) If the public official is participating in a seminar or meeting of a national or regional association, as a part of his official duties and approved by his employer or, in the case of a member, official or employee of the general assembly, as approved in advance and in writing by the standing committee of jurisdiction."; and

Further amend said bill, page 14, section 195.959, line 8 of said page, by inserting immediately after "105.470," the following: "**105.471**,"; and further amend line 21 of said page, by inserting immediately after "105.470," the following: "**105.471**,"; and

Further amend said bill and section, page 15, line 4 of said page, by inserting immediately after "105.470," the following: "**105.471**,"; and

Further amend said bill, page 15, section 105.959, line 13 of said page, by striking the words "the greater of"; and further on line 14, by striking the word "or" and inserting in lieu thereof the word "**plus**"; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Rohrbach offered **SPA 1** to **SA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 709, Page 4, Section 105.470, Lines 3 through 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(3) "Honorarium", includes any payment of money or anything of value for an appearance, speech, article or any other purpose which payment does not constitute compensation or a fee for services rendered; honorarium does not include any actual and necessary expenses incurred in making an appearance or speech or in writing an article;".

Senator Rohrbach moved that the above perfecting amendment be adopted.

Senator Quick resumed the Chair.

At the request of Senator Maxwell, **SB 709**, with **SS**, **SA 1** and **SPA 1** to **SA 1** (pending), was placed on the Informal Calendar.

Senator Ehlmann requested unanimous consent of the Senate to withdraw **SB 951**, which request was granted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 955--By Caskey.

An Act to amend supreme court rule 1.8, relating to prohibited transactions between attorneys and their clients.

SB 956--By Caskey.

An Act to amend chapter 484, RSMo, by adding one new section relating to attorney and client transactions.

SB 957--By Flotron.

An Act to amend chapter 301, RSMo, by adding one new section relating to license plates.

SB 958--By Bentley.

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo 1994, relating to special education due-process hearings, and to enact in lieu thereof four new sections relating to the same subject.

SB 959--By Ehlmann and Kenney.

An Act to amend chapter 208, RSMo, by adding thereto sixteen new sections relating to a community partnership program, with a contingent effective date.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Johnson, Chairman of the Committee on Agriculture and Local Government, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, agriculture is a dominant and important industry in Missouri, one which is critical to the well-being of all Missourians; and

WHEREAS, animal production in Missouri, including swine production, is growing and changing dramatically; and

WHEREAS, the regulation of large, confined animal production facilities is important both to public health and to the environment; and

WHEREAS, complying with regulations concerning these facilities is an expensive and difficult process; and

WHEREAS, there are currently more than five different proposals being debated in the Missouri General Assembly which contain provisions for changing the regulations on confined animal feeding operations in this state; and

WHEREAS, it is unfair to both the public and to the applicant farmers to continue permit processing for animal production facilities when the laws may change; and

WHEREAS, the fact that such requirements are constantly subject to change places the Department of Natural Resources in a very difficult position when trying to decide on what requirements to include in a permit:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, that the Director of the Department of Natural Resources be requested not to issue any Class IA or IB swine handling waste facility construction permits for new operating locations, which were applied for after January 1, 1996 and which will handle more than 2,500 swine units; and

BE IT FURTHER RESOLVED that the Director of the Department of Natural Resources is requested to continue this moratorium until June 15, 1996; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Director of the Department of Natural Resources.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 906, regarding the Plaid Door of the Junior League of Springfield, which was adopted.

Senator Graves offered Senate Resolution No. 907, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Francis Laswell, Harris, which was adopted.

Senator Graves offered Senate Resolution No. 908, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Lightfoot, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 909, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clarence Keling, King City, which was adopted.

Senator Graves offered Senate Resolution No. 910, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth D. Bailey, Laclede, which was adopted.

Senator Graves offered Senate Resolution No. 911, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marion Clark, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 912, regarding the Ninetieth Birthday of Mrs. Edith E. Hentgen, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 913, regarding the Ninetieth Birthday of Opal Mae Rice, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 914, regarding the Ninety-fifth Birthday of Mrs. Ruth Matthews, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 915, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Freeman Buckles, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 916, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon Howitt, King City, which was adopted.

Senator Graves offered Senate Resolution No. 917, regarding the One Hundred Second Birthday of Glen M. Goodspeed, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 918, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Hann, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 919, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Keith Bolton, Harlingen, Texas, which was adopted.

Senator Graves offered Senate Resolution No. 920, regarding the Ninety-fifth Birthday of Gertie Arkle, Blythedale, which was adopted.

Senator Graves offered Senate Resolution No. 921, regarding the Ninetieth Birthday of Mrs. Clayton Beaver, Elmo, which was adopted.

Senator Graves offered Senate Resolution No. 922, regarding the Eighty-fifth Birthday of Frances Morris, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 923, regarding Neil and Sherri Slaughter, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 924, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Bill Brinegar, Atchison County, which was adopted.

Senator Graves offered Senate Resolution No. 925, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth F. Nelson, Guilford, which was adopted.

Senator Graves offered Senate Resolution No. 926, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Hubert Gallus, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 927, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clayton Askins, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 928, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Viril Gitthens, Osborn, which was adopted.

Senator Graves offered Senate Resolution No. 929, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Delmar Fenimore, New Hampton, which was adopted.

Senator Graves offered Senate Resolution No. 930, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Wayne Byrom, Grant City, which was adopted.

Senator Graves offered Senate Resolution No. 931, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ray Baker, New Hampton, which was adopted.

Senator Graves offered Senate Resolution No. 932, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sebastian Wagner, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 933, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Glen Watson, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 934, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Willard Rowland, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 935, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leasol Mann, Agency, which was adopted.

Senator Graves offered Senate Resolution No. 936, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Chester C. Cobb, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 937, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Preston, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 938, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Waltemath, King City, which was adopted.

Senator Graves offered Senate Resolution No. 939, regarding the Sixty-fourth Wedding Anniversary of Mr. and Mrs. Vincent Bumbacher, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 940, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Bob Sutton, Pattonsburg, which was adopted.

Senator Graves offered Senate Resolution No. 941, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Lamp, Mora, which was adopted.

Senator Graves offered Senate Resolution No. 942, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Carlin Sperry, Pattonsburg, which was adopted.

Senator Graves offered Senate Resolution No. 943, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin Graves, Savannah, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Marcile Lewis, Anna Luellen and LPN students from Warrensburg Area Vo-Tech School.

Senator Klarich introduced to the Senate, former State Representative Wes Miller, Washington.

Senator Westfall introduced to the Senate, Cheryl Fanning, Lamar.

Senator Melton introduced to the Senate, Larry and Sue Blythe, Cassville.

Senator Klarich introduced to the Senate, Jackie Hartz, and twenty nursing students from East Central Community College.

Senator Sims introduced to the Senate, Jane Kerlagon, and fifty-five eighth grade students from Gateway Middle School and Mason Middle School, St. Louis; and Stephen Jakubowski, Anjenette Gilbert, James Malone and Devin Strong were made honorary pages.

Senator Russell introduced to the Senate, Mr. and Mrs. Dean DeVries, Mountain Grove.

Senator Graves introduced to the Senate, Wanda Branstetter, and fourth and fifth grade students from Harrison County R-4, Gilman City.

Senator Caskey introduced to the Senate, Steve and Linda Oldfield, Adrian.

Senator Sims introduced to the Senate, Debbie and Hilary Whitlock, St. Louis; and Hilary was made an honorary page.

Senator Caskey introduced to the Senate, Rodney Wesner and Jim Merryfield, Windsor; and Anna-Marie Dudte, Barbara Krause and Mark Girth, Knob Noster.

Senator Melton introduced to the Senate, Mayor and Mrs. Maurice Swanberg, Hollister.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, Cynthia Davis, O'Fallon.

Senator Caskey introduced to the Senate, Jim Person and Doug Kohler, Belton.

Senator Bentley introduced to the Senate, Jerry Maddox, Doug Freeling, Ed Grant and Jim Weissler, Springfield.

Senator Johnson introduced to the Senate, Connie, Michael and Nathan Shalz, home schoolers from St. Joseph.

Senator Caskey introduced to the Senate, Mark Randall, Nancy Hall and Diana Redwine, Pleasant Hill.

Senator Klarich introduced to the Senate, Rick Hinsin, Jim Hardecke and Ron Hardecke, Owensville; James Voss, Sullivan; Mike Schoedel, Frontenac; and Steve Arbo, Jeff Young, Dennis Novak and Harry Anderson, Ellisville.

Senator Bentley introduced to the Senate, Bob Bach and David McQueary, Springfield.

Senator Kinder introduced to the Senate, Mike Miller, Melvin Gateley and Tom Neumeyer, Cape Girardeau.

Senator Graves introduced to the Senate, Premium Standard Farms supporters from Sullivan, Mercer and Putnam counties.

Senator Caskey introduced to the Senate, Avis Tucker, Warrensburg.

On behalf of Senator Wiggins, the President introduced to the Senate, Mayor Harry Welson and Alderman Cathy Kelp, Grandview.

Senator Caskey introduced to the Senate, Ron Trivitt and Phil Duncan, Belton.

On behalf of Senator Russell and himself, Senator Westfall introduced to the Senate, Jim Hamilton and Dave Berry, Bolivar; and Dave Abner, Buffalo.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Mayor Robert Moeller, Grace Moeller, Mary West, Dan Foust and Hank Senda, St. Charles.

Senator Howard introduced to the Senate, Mayor David Humes, Hayti Heights; and Jan Cradduck and Mayor Lynn Langston, Clarkton.

On behalf of Senator Wiggins, the President introduced to the Senate, Paul Stevens and Peg Carlyle, Kansas City.

On behalf of Senator Moseley, the President introduced to the Senate, Henry Waters, Columbia.

On motion of Senator Caskey, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY--THURSDAY, FEBRUARY 29, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, give to us the words to say that will express our feelings without hurting those who hear them. Give us words to comfort, to enlighten and to benefit those to whom we speak. Help us to be doers of the Word and not speakers only. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 944, regarding the One Hundred Second Birthday of Corinne Montgomery, Bowling Green, which was adopted.

Senator House offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 945

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those programs aimed at developing outstanding qualities of both citizenship and leadership; and

WHEREAS, the Missouri Senate legislative interns are interested in gaining an insight into the democratic process by conducting a mock legislative forum in the Senate Chamber; and

WHEREAS, one of the purposes of the Missouri General Assembly's intern program is to give college students participating in the program a working knowledge of the operation and function Missouri's legislative bodies in order to better prepare them to pursue related career goals and to fulfill their roles as active and responsible citizens;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby grant the Missouri Senate legislative interns permission to use the Senate Chamber for the purpose of conducting their 1996 Mock Legislative Session from 9:00 a.m. until 12:00 p.m. on Monday, April 15, 1996.

Senator Curls offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 946

WHEREAS, the Missouri Legislative Black Caucus Foundation, Inc. plays a significant role in ensuring the proper and effective function of the Missouri General Assembly as a fully representative body within state government; and

WHEREAS, the Missouri Legislative Black Caucus Foundation, Inc.'s Eleventh Annual Conference provides a useful format for the discussion and resolution of many key issues affecting the welfare of African-Americans and all Missourians; and

WHEREAS, the members of the Missouri Senate deem it both proper and necessary to support the important work of the Missouri Legislative Black Caucus Foundation, Inc.;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-Eighth General Assembly, hereby grant the members of the Missouri Legislative Black Caucus Foundation, Inc., permission to use the Senate Chamber for the purpose of conducting their annual conference during June 6-8, 1996.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 960--By Curls.

An Act to repeal section 376.620, RSMo 1994, relating to suicide provisions in certain life insurance contracts, and to enact in lieu thereof one new section relating to the same subject.

SB 961--By Kenney.

An Act to repeal section 558.018, RSMo 1994, relating to sentencing of persistent sexual offenders, and to enact one new section relating to the same subject.

SB 962--By Ehlmann.

An Act relating to the regulation of certain telecommunications and information technology systems, with penalty provisions.

SB 963--By Goode and Scott.

An Act to repeal sections 173.355 and 173.385, RSMo 1994, relating to the higher education loan authority, and to enact two new sections relating to the same subject.

SB 964--By Mueller.

An Act to amend chapter 374, RSMo, relating to the department of insurance, by adding one new section relating to the same subject, with an effective date.

SB 965--By Graves.

An Act to repeal section 307.350, RSMo 1994, relating to motor vehicle safety inspections, and to enact one new section in lieu thereof relating to the same subject.

SB 966--By Graves.

An Act to repeal section 566.610, RSMo Supp. 1995, relating to sex offenders, and to enact in lieu thereof one new section relating to the same subject.

SB 967--By Bentley.

An Act to repeal sections 210.775 and 210.776, RSMo Supp. 1995, relating to the foster and group home placement task force, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

SB 968--By Bentley.

An Act to repeal sections 226.525 and 226.535, RSMo 1994, relating to historical and public interest signs along the highways, and to enact two new sections in lieu thereof relating to the same subject.

SB 969--By McKenna.

An Act to repeal sections 572.070 and 572.125, RSMo 1994, relating to gambling, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

SB 970--By Graves.

An Act to repeal section 290.500, RSMo 1994, and sections 211.181 and 211.185, RSMo Supp. 1995, relating to restitution by juvenile offenders, and to enact three new sections relating to the same subject.

SB 971--By Kenney and Kinder.

An Act to repeal sections 208.040, 208.041, and 208.410, RSMo 1994, and to enact in lieu thereof twenty-eight new sections for the purpose of transitioning people from welfare to work, with penalty provisions and a contingent effective date for certain sections.

SB 972--By Howard.

An Act to amend chapter 265, RSMo, relating to agricultural products, by adding seven new sections relating to the same subject, with penalty provisions.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **SCR 21**, with **SCS**, be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SCR 21** was adopted by the following vote:

Yeas--Senators

Banks

Bentley

Caskey

Clay

Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Klarich	Schneider--2
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Absent with leave--Senator Scott--1

Senator Quick assumed the Chair.

THIRD READING OF SENATE BILLS

SB 858, introduced by Senator Banks, entitled:

An Act to repeal sections 191.650, 191.653, 191.656, 191.663 and 191.686, RSMo 1994, relating to acquired immune deficiency syndrome, and to enact five new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Banks, **SB 858** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Schneider

Singleton

Staples--3

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 709**, with **SS**, **SA 1** and **SPA 1** to **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Rohrbach, **SPA 1** to **SA 1** was withdrawn.

Senator Rohrbach offered **SPA 2** to **SA 1**:

SENATE PERFECTING AMENDMENT NO. 2

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 709, Page 4, Section 105.470, Lines 3 through 7 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"(3) "Honorarium", includes any payment of money or anything of value for an appearance, speech, article or any other purpose which payment does not constitute compensation or a fee for services rendered; honorarium does not include any actual and necessary expenses incurred in making an appearance or speech or in writing an article. An honorarium shall not include any monetary award or prize;"

Senator Rohrbach moved that the above perfecting amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Flotron offered **SPA 3** to **SA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 3

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 709, Page 8, Section 105.470, Line 10, by striking the second word "the"; and everything before and including the "," on line 11.

Senator Flotron moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SA 1**, as amended, be adopted, which motion prevailed.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 709, Page 23, Section 195.961, Line 25 of said page, by inserting

immediately after said line the following:

"130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained in accordance with the recordkeeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures he has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate or committee treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of twenty-five dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than twenty-five dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the recordkeeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and

reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained according to the provisions of section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization under the provisions of section 130.021 or has filed the reports required by section 130.051, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor as provided by this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five

individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsections 8, 9, and 12 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies must comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter under subsection 8 of this section or paying for broadcast matter under subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. In addition to the requirements of subsections 8 and 9 of this section, any printed or broadcast matter described in subsection 8 or 9 of this section which contains allegations regarding the actions, inactions, beliefs, behavior or other aspects of any candidate for office, other than the candidate or candidate committee which issued such printed or broadcast matter, shall contain in addition to the requirements of subsections 8 and 9 of this section, a statement that the information contained in the advertisement has been approved by the candidate on whose behalf the printed or broadcast matter was issued. Such statement shall be in the following form: "The contents of this advertisement have been approved and authorized by (insert name of candidate), candidate for (insert office)....." and shall be displayed or broadcast with the "Paid for by" statement required pursuant to subsections 8 and 9 of this section. Any person or committee which violates this subsection shall be subject to the penalties described in this chapter.

13. A candidate or officeholder shall not knowingly accept a contribution from any person identified in section 313.831, RSMo."; and

Further amend said bill, page 27, section 130.032, line 15, by inserting immediately after said line the following:

"313.831. No person who is an officer or employee of or who owns an ownership interest in an excursion gambling boat operation, or who is a lobbyist as defined in chapter 105, RSMo, for such operation, shall make a contribution as defined in chapter 130, RSMo, to any candidate for public office or any officeholder. An ownership interest is any financial interest, equitable interest, beneficial interest or ownership control in any excursion gambling boat operation or in any parent or subsidiary company which owns or operates an excursion gambling boat which has applied for or been granted a license. Violation of this section is a class A misdemeanor for the first offense and a class D felony for any subsequent offense."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Howard, Melton, Mueller and Sims.

SA 2 was adopted by the following vote:

Yeas--Senators			
Bentley	Caskey	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--27	
	Nays--Senators		
Banks	Clay	Curls	DePasco
Johnson	Staples--6		
	Absent--Senators--None		
	Absent with leave--Senator Scott--1		

Senator Clay offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 709, Page 1, Section A, Line 4 by inserting immediately after said line, the following:

"21.145. **1.** Each senator or representative shall be reimbursed from the state treasury for actual and necessary expenses in [the] **an** amount [of thirty-five dollars per day] **determined pursuant to subsection 2 of this section** for each day on which the journal of the senate or house, respectively, shows the presence of such senator or representative.

2. Each senator and representative shall receive per day the amount allowable to employees of the executive branch of the federal government for per diem while away from home as determined pursuant to the Internal Revenue Code 26 U.S.C. 162 (h)(1)(B)(ii).

3. The commissioner of administration shall determine the allowable amount prior to the beginning of each legislative session and shall inform the secretary of the senate and the chief clerk of the house of representatives of his findings.

4. Upon certification of attendance by the president and secretary of the senate and by the speaker and chief clerk of the house of representatives as to the respective members thereof, the commissioner of administration shall approve and the state treasurer shall pay monthly such expense allowance."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 3** is out of order in that the amendment is not germane.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 709, Page 1, Section A, Line 4 by inserting immediately after said line, the following:

"105.483. Each of the following persons shall be required to file a financial interest statement:

(1) Associate circuit judges, circuit court judges, judges of the courts of appeals and of the supreme court, and candidates for any such office;

(2) Persons holding an elective office of the state, whether by election or appointment, and candidates for elective office **of the state**;

(3) The principal administrative or deputy officers or assistants serving the governor, lieutenant governor, secretary of state, state treasurer, state auditor and attorney general, which officers shall be designated by the respective elected state official;

(4) The members of each board or commission and the chief executive officer of each public entity created pursuant to the constitution or interstate compact or agreement and the members of each board of regents or curators and the chancellor or president of each state institution of higher education;

(5) The director and each assistant deputy director and the general counsel and the chief purchasing officer of each department, division and agency of state government;

(6) Any official or employee of the state authorized by law to promulgate rules and regulations or authorized by law to vote on the adoption of rules and regulations;

(7) Any member of a board or commission created by interstate compact or agreement, including the executive director and any Missouri resident who is a member of the bi-state development agency created pursuant to sections 70.370 to 70.440, RSMo;

(8) Any board member of a metropolitan sewer district authorized under section 30(a) of article VI of the state constitution;

(9) Any member of a commission appointed or operating pursuant to sections 64.650 to 64.950, RSMo, sections 67.650 to 67.658, RSMo, or sections 70.840 to 70.859, RSMo;

(10) The members, the chief executive officer and the chief purchasing officer of each board or commission which enters into or approves contracts for the expenditure of state funds;

(11) Each elected official, the chief administrative officer, the chief purchasing officer and the general counsel, if employed full time, of each political subdivision with an annual operating budget in excess of one million dollars, **each candidate for elective office in each political subdivision with an annual operating budget in excess of one million dollars**, and each official or employee of a political subdivision **with an annual operating budget in excess of one million dollars** who is authorized by the governing body of the political subdivision to promulgate rules and regulations with the force of law or to vote on the adoption of rules and regulations with the force of law; unless the political subdivision adopts an ordinance, order or resolution pursuant to subsection 4 of section 105.485;

(12) Any person identified as a decision-making public servant pursuant to subdivision (6) of section 105.450.

105.487. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year:

(1) **Unless otherwise exempted by section 105.483**, each candidate for elective office shall file a financial interest statement no later than the forty-fifth day after the last day for filing for the election at which he seeks nomination or election, and the statement shall be for the twelve months prior to the closing date, except that in the event an individual does not become a candidate until later than the forty-fifth day after the last day for filing for the election, the statement shall be filed within ten days of his becoming a candidate. An individual required to file a financial interest statement because of his candidacy for office prior to a primary election in accordance with this section is also required to amend such statement within seven days prior to the following general election to reflect any changes in financial interest during the interim. The appropriate election authority shall provide to the candidate at the time of filing for election

written notice of the candidate's obligation to file under sections 105.483 to 105.492 and the candidate shall sign a statement acknowledging receipt of such notice;

(2) Each person appointed to office and each official or employee described in section 105.483 who is not otherwise covered in this subsection shall file the statement within thirty days of such appointment or employment;

(3) Every other person required by sections 105.483 to 105.492 to file a financial interest statement shall file the statement annually not later than the first day of May and the statement shall cover the calendar year ending the immediately preceding December thirty-first; provided that the governor, lieutenant governor, any member of the general assembly or any member of the governing body of a political subdivision may supplement his financial interest statement to report additional interests acquired after December thirty-first of the covered year until the date of filing of the financial interest statement;

(4) The deadline for filing any statement required by sections 105.483 to 105.492 shall be 5:00 p.m. of the last day designated for filing the statement. When the last day of filing falls on a Saturday or Sunday or on an official state holiday, the deadline for filing is extended to 5:00 p.m. on the next day which is not a Saturday or Sunday or official holiday. Any statement required within a specified time shall be deemed to be timely filed if it is postmarked not later than midnight of the day previous to the last day designated for filing the statement."; and

Further amend said bill, page 27, lines 17, 19 and 21 of said page, by striking the word "section" as it appears on each of said lines and inserting in lieu thereof the following: "sections 105.483, 105.487 and"; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 709, Page 27, Section 130.032, Line 15 by inserting immediately after said line, the following:

"130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. **The committee may accept funds from the candidate committee to pay off outstanding obligations.** The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Flotron offered **SPA 1** to **SA 5**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Bill No. 709, Page 2, Section 130.032, Lines 5 and 6, by striking said lines.

Senator Flotron moved that the above perfecting amendment be adopted.

At the request of Senator Maxwell, **SB 709**, with **SS**, **SA 5** and **SPA 1** to **SA 5** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 973--By Schneider.

An Act to repeal section 537.600, RSMo 1994, relating to civil liability, and to enact in lieu thereof one new section relating to the same subject.

SB 974--By Schneider.

An Act to amend chapter 43, RSMo, by adding two new sections relating to the state highway patrol crime laboratory.

SB 975--By Sims.

An Act to repeal sections 494.490 and 517.091, RSMo 1994, relating to juries, and to enact in lieu thereof two new sections relating to the same subject.

SB 976--By Mathewson.

An Act to repeal section 320.090, RSMo 1994, relating to emergency services, and to enact one new section relating to the same subject.

SB 977--By Banks.

An Act to amend chapter 354, RSMo, by adding eight new sections relating to the restructuring of certain nonprofit organizations.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 856**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 830**, with **SS** and **SA 2**, as amended (pending), begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 830

BE IT RESOLVED by the Senate of the Eighty-eighth General Assembly, Second Regular Session, that the Rules of the Senate be amended as follows:

"Rule 102. A member, officer or employee of the Senate shall not accept meals, food, beverage or other gift, from a Legislative lobbyist as defined in paragraph (a) of subdivision (3) of subsection 1 of section 105.470, RSMo, or the lobbyist principal of such lobbyist, except this rule shall not apply to activities authorized in paragraph (c) of subdivision (2) of subsection 4 of section 105.470, RSMo nor shall it apply to participation in seminars or meetings of national or regional association when such participation has been requested in writing and approved in advance by the Committee on Administration.

This rule shall become effective March 18, 1996."

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 23**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 500**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 500, Page 1, Section 136.405, Line 3 by striking the following: ", of residents and nonresidents,".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 500, Page 1, Section 136.405, Line 2 by inserting after the word "mean" in said line the words **"the last timely"**; and

Further amend said bill, page 1, section 136.405, line 3, by inserting after the word "filed" the words **"and paid"**.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 525**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 525, Page 3, Section 209.255, Line 9 by striking the word "company"; and further amend line 12, by striking the words "local exchange"; and further amend line 13, by striking the words "local exchange".

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 821**, begs leave to

report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which were referred **SB 638** and **SB 753**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 509**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **SB 757**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 597** and **SB 729**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 851**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 507**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 538**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 884** and **SB 841**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which were referred **SB 723** and **SB 891**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 903**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 903, Page 1, Section A, Line 2 by striking "431.180" and inserting in lieu thereof "431.175"; and

Further amend said bill, page 1, section 431.180, line 1, by striking "431.180." and inserting in lieu thereof "**431.175.**"; and further amend said section, page 1, line 8, by striking "a third person's" and inserting in lieu thereof "**any subcontractor of that person for their**"; and further amend line 11 by striking "a third person's" and inserting in lieu thereof "**any subcontractor of that person for their**".

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which were referred **SB 652** and **SB 548**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 707**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 695, Page 4, Section 315.079, Lines 9-10 by striking the following: "The identification shall have a photograph of the individual and include the name and residence of the individual."

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which were referred **SB 752**, **SB 789**, **SB 843** and **SB 847**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 831**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 910**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 482**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which were referred **SB 622** and **SB 742**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 887**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 887, Page 7, Section 367.040, Line 22 by inserting immediately after "barred." the following: **"Any license or permit for such pledged goods shall remain in effect during the period of the pawn transaction and remain valid if such pledged goods are redeemed by the pledgor and shall only be voided if the pledged goods are redeemed by someone other than the pledgor or when title to the pledged goods passes to the pawnbroker."**; and

Further amend said bill, page 10, section 367.043, line 33, by striking the word "as"; and

Further amend said bill, page 10, section 367.043, line 36, by inserting immediately after "county." the following: **"The restriction contained in this section as it applies to existing license holders is not intended to restrict, in any manner, the ability of a municipality or county to regulate the number of pawnshop licenses issued."**

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 618**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 713**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 549**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 787**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 787, Page 3, Section 42.007, Line 59 by striking the words "workers' compensation,".

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 805**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 531**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 784**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 784, Page 3, Section 407.1005, Line 27 by inserting immediately after "RSMo" the following: ";

(8) Religious organizations, provided that the primary purpose of said organizations is not the promotion or sale of travel;

(9) Educational institutions, and any authorized auxiliaries associated with such organizations;

(10) Fraternal, benevolent, social, educational, alumni and historical organizations;

(11) Any organization that has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(7) or 501(c)(8) of Title 26, United States Code, as amended;

(12) Any state or federally chartered bank, savings and loan association, credit union, or any of their affiliates, subsidiaries, or related parties".

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 815**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 585**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 514**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 814**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 641**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 777**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 978--By Johnson.

An Act to repeal sections 168.500, 168.510, 168.515 and 168.520, RSMo 1994, relating to career plan development, and to enact in lieu thereof four new sections relating to the same subject.

SB 979--By Wiggins, Howard and Curls.

An Act to repeal sections 337.606, 337.612, 337.618, 337.621, 337.630 and 337.633, RSMo 1994, and sections 337.600, 337.603, 337.615 and 337.627, RSMo Supp. 1995, relating to licensing of certain social workers, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with an effective date for certain sections and penalty provisions.

SB 980--By Lybyer.

An Act to amend chapter 43, RSMo, by adding two new sections relating to the state highway patrol crime laboratory, with an effective date.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153** and **1202**, entitled:

An Act to repeal section 376.995, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of providing insurance coverage of certain inpatient maternity benefits.

In which the concurrence of the Senate is respectfully requested.

&nb sp Read 1st time.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 947, regarding the One Hundred Third Birthday of Nina Dover, Joplin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Larry Halverson and his wife, Marte, Springfield.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, Patricia Porterfield, R.N., and forty nursing students from St. Charles County Community College.

Senator Klarich introduced to the Senate, Tim Brinker and Brian Boehmer, Washington.

On motion of Senator Banks, the Senate adjourned until 4:00 p.m., Monday, March 4, 1996.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIFTH DAY--MONDAY, MARCH 4, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, never let us forget who we are, that for which we stand, or those who sent us here. Keep us focused on why we are here, the needs of the people and the foundations upon which we build. Guide our efforts. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 29, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Clay	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 948, regarding Rosemarie Campbell, Jefferson City, which was adopted.

Senator McKenna offered Senate Resolution No. 949, regarding Zelpha Genrich, which was adopted.

Senator McKenna offered Senate Resolution No. 950, regarding Ed "Big Daddy" Roth, which was adopted.

Senator Ehlmann offered Senate Resolution No. 951, regarding Corey Leigh Skillman, Wentzville, which was adopted.

Senator Ehlmann offered Senate Resolution No. 952, regarding Steven Michael "Steve" Hedley, O'Fallon, which was adopted.

Senator Singleton moved that **SR 830**, with **SS**, **SA 2** and **SCS** (pending), be taken up for adoption and requested a roll call vote be taken. He was joined in his request by Senators Flotron, Graves, Melton and Mueller.

SR 830, with **SS**, **SA 2** and **SCS** (pending), was taken up for adoption by the following vote:

Yeas--Senators

Caskey	DePasco	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Mathewson	Maxwell	Melton
Mueller	Quick	Rohrbach	Russell
Singleton	Westfall	Wiggins--19	

Nays--Senators

Banks	Howard	Johnson	Lybyer
McKenna	Moseley	Staples	Treppler--8

Absent--Senators

Bentley	Curls	Klarich	Schneider
Sims--5			

Absent with leave--Senators

Clay	Scott--2
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President Wilson assumed the Chair.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Substitute for Senate Resolution No. 830, Page 331 of the Senate Journal for February 29, 1996, Line 39 of column 1 of said page, by striking the word "association" and inserting in lieu thereof the word "**associations**"; and further on said line, by striking the word "has" and inserting in lieu thereof the following: "**and activities have**".

Senator Maxwell moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

At the request of Senator Singleton, the motion to adopt **SCS** for **SR 830** was withdrawn placing the resolution on the calendar, with **SCS** and **SA 1** (pending).

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 24

WHEREAS, Missourians have played an important role in Texas history. Stephen Austin, a Missourian, is considered to be the father of Texas and is the man for whom the capital of Texas was named. Stephen's father, Moses Austin, also a Missourian, is considered to be the grandfather of Texas;

WHEREAS, the Siege of the Alamo, which occurred from February 23 through March 6, 1836, in San Antonio, Texas, marked the beginning of Texas' struggle for independence from Mexico;

WHEREAS, Jacob Darst, a Missourian, was the man who touched off the first shot of the Texas Revolution;

WHEREAS, one hundred eighty men, including a number of volunteers from Missouri and men with Missouri connections, defended the fortified missions at the Alamo against an army of several thousand;

WHEREAS, on March 6, 1836, the Battle of the Alamo occurred, in which all of the men who defended the Alamo gave up their lives;

WHEREAS, five Missouri volunteers, William Charles M. Baker, George D. Butler, Charles Henry Clark, Jerry C. Day and George W. Tumblison, gave up their lives on March 6, 1836, in defense of the Alamo;

WHEREAS, while several states have established memorials for their volunteers who gave up their lives at the Alamo, no such memorial exists to honor the Missouri volunteers;

WHEREAS, Glen Whitener, President of Whitener Monuments, Incorporated and member of the Missouri Monument Builders Association, along with the Missouri Monument Builders Association, would like to donate the monument for such a memorial;

WHEREAS, this monument, to be dedicated to the memory of the Missouri volunteers, would be located at the Alamo;

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the House of Representatives concurring therein, that the Missouri General Assembly supports the establishment of a memorial to honor the volunteers from Missouri who gave up their lives at the Alamo for the independence of Texas; and

BE IT FURTHER RESOLVED that properly inscribed copies of this resolution be delivered to Mr. Glen Whitener, President of Whitener Monuments, Incorporated, and member of the Missouri Monument Builders Association, and the Missouri Monument Builders Association.

RE-REFERRALS

President Pro Tem Mathewson re-referred **SB 916** to the Committee on Aging, Families and Mental Health.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gracia Y. Backer, Route 2, Box 281, New Bloomfield, Callaway County, Missouri 65063, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel R. Baldwin, 7445 Washington Avenue, University City, St. Louis County, Missouri 63130, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1997, and until his successor is duly appointed and qualified; vice, Henrietta Ambrose, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Eddie G. Brooks, Sr., 809 Mary Court, Blue Springs, Jackson County, Missouri 64014, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1998, and until his successor is duly appointed and qualified; vice, James Mayo, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brigette B. Dabney, 5307 Bay Point Drive, Florissant, St. Louis County, Missouri 63034, as a member of the Drug Utilization Review Board, for a term ending October 15, 1998, and until her successor is duly appointed and qualified; vice, vacant.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steven P. Gietschier, 2951 Dividend Park Drive, Florissant, St. Louis County, Missouri 63031, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1998, and until his successor is duly appointed and qualified; vice, Peter Michel, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth C. Hensley, Democrat, 805 E. Gore, Box 245, Raymore, Cass County, Missouri 64083, as a member of the Public Defender Commission, for a term ending December 30, 1997, and until his successor is duly appointed and qualified; vice, H. Mark Preyer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen D. Paulsell, 5304 E. Tayside Circle, Columbia, Boone County, Missouri 65203, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert C. Smith, 709 Russell Boulevard, Columbia, Boone County, Missouri 65203, as a member of the Administrative Hearing Commission, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Edward Downey, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bonita M. Stepenoff, 217 North Henderson Avenue, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1996, and until her successor is duly appointed and qualified; vice, Nickolas Burckel, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Benedict K. Zobrist, 71B T Street, Lake Lotowana, Jackson County, Missouri 64086, as a member of the Missouri State Historical Records Advisory Board, for a term ending November 1, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Conny K. Dover, Democrat, Route 6 Box 455, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susanne B. Hoffmann, Democrat, 6308 Westminster Place, St. Louis, St. Louis County, Missouri 63130, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barbara Westhues, Republican, Route 3 Box 153, Moberly, Randolph County, Missouri 65270, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Reverend Maria-Alma Rainey Copeland, Democrat, 5255 Delcastle Drive, Florissant, St. Louis County, Missouri 63032, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

President Pro Tem Mathewson assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Wiggins moved that **SCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator Wiggins, **SCR 23** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Curls	Schneider--2
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Absent with leave--Senators

Clay	Scott--2
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REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 527**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 527, Page 2, Section 575.010, Line 18, by striking "police dog or a police horse" and inserting in lieu thereof the following: "**dog, horse or other animal used in law enforcement**"; and

Further amend said bill, page 2, section 575.335, line 5, by inserting immediately after the word "officer" the following: "**or a department of corrections officer**"; and

Further amend said bill, page 2, section 575.337, line 6, by inserting immediately after the word "officer" the following: "**or a department of corrections officer**".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 756, Page 1, Section 2, Line 1, by removing the word "**shall**" and adding the word "**may**".

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **SB 834**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 834, Page 3, Section 194.410, Lines 7-8, by striking "C felony" and inserting in lieu thereof the following: "**A misdemeanor**"; and further amend line 9, by striking "B" and inserting in lieu thereof the following: "**D**"; and further amend line 13, by striking "D felony" and inserting in lieu thereof the following: "**A misdemeanor**"; and further amend line 14, by striking "C" and inserting in lieu thereof the following: "**D**".

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 914**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 914, Page 5, Section 140.190, Line 8, by striking the word "bid" and inserting in lieu thereof the word "**sale**"; and further on said line by striking the words "received from" and inserting in lieu thereof the words "**made to**"; and further on line 9 by inserting immediately after the word "sale" the following: "**and who does not sign an affidavit stating such at the time of sale, failure to sign such affidavit as well as signing a false affidavit may invalidate such sale.**".

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 953, regarding the Fiftieth Wedding Anniversary of George and Jean Franke, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 954, regarding the Lee's Summit High School Tigers wrestling team, which was adopted.

Senator Kenney offered Senate Resolution No. 955, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bill Kammerich, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 956, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max Meals, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 957, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gordon Sevy, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 958, regarding Mark Seelbinder, Lee's Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Sharon Meyers, Allan Rohrbach, and thirty-four seventh grade students from Green Ridge Elementary School, Green Ridge; and Carrie Myears, Michael Berry, David Rohrbach and Cristin Moriarity were made honorary pages.

Senator Melton introduced to the Senate, the Physician of the Day, Dr. Bruce Preston, West Plains.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SIXTH DAY--TUESDAY, MARCH 5, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, an old Roman maxim states, "Without a name a man is nothing." When people speak our name, we want it to be with respect. When our name is attached to anything, a bill, a debt, a contract, a promise or a piece of legislation, we want it to be something of which we can be proud. Lord, help us to live and work so that our name will only be associated with those ideals and ideas that are good. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goode offered Senate Resolution No. 959, regarding Linda M. Bridges, St. Louis, which was adopted.

Senator Rohrbach offered Senate Resolution No. 960, regarding Vernell Williams, Jefferson City, which was adopted.

Senator Rohrbach moved that **SR 856** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SR 856** was adopted.

Senator Singleton moved that **SR 830**, with **SS**, **SA 2**, **SCS** and **SA 1** (pending), be taken up for adoption, which motion prevailed.

SA 1 was taken up.

At the request of Senator Maxwell, **SA 1** was withdrawn.

Senator Maxwell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Substitute for Senate Resolution No. 830, Page 331 of the Senate Journal for February 29, 1996, Line 35 of column 1 of said page, by striking all of said line after the word "except" and inserting in lieu thereof the following: "**as provided in this rule. This rule shall not apply to:**

(1) Any single item accepted from a lobbyist or a lobbyist principal identified in this rule of a value less than fifty dollars;

(2) Any items accepted in any calendar year from a lobbyist or lobbyist principal identified in this rule which are of a value less than one hundred dollars;

(3) The participation of members, officers and staff in"; and

Further amend said resolution, line 37 of column 1 of said page, by striking the words "nor shall it apply to" and inserting in lieu thereof the following: "**; or (4) The**"; and

Further amend said resolution, line 39 of column 1 of said page, by striking the word "association" and inserting in lieu thereof the word "**associations**"; and further on said line, by striking the word "has" and inserting in lieu thereof the following: "**and activities have**".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Substitute for Senate Resolution No. 830, Page 331 of the Senate Journal for Thursday, February 29, 1996, last line of left column, by adding after the period "." the following: "The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of a report pursuant to 105.470.4(2)(c).".

Senator Flotron moved that the above amendment be adopted.

Senator Melton offered **SPA 1** to **SA 3**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Substitute for Senate Resolution No. 830, Page 1, Line 7, by inserting the word "section" before the numerals "105.470.4(2)(c)".

Senator Melton moved that the above perfecting amendment be adopted, which motion prevailed.

SA 3, as amended, was again taken up.

Senator Flotron moved that **SA 3**, as amended, be adopted, which motion prevailed.

Senator Banks offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Substitute for Senate Resolution No. 830, Page 331 of the Senate Journal for Thursday, February 29, 1996, Line 41, by inserting after the period "." on said line the following: "This rule shall not prevent any member from accepting meals, food or beverage or other gift to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member.".

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Singleton moved that **SCS** for **SS** for **SR 830**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Westfall	Wiggins--27	

Nays--Senators

Banks	Clay	Curls	Howard
Johnson	Treppler--6		

Absent--Senator Staples--1

Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 709**, with **SS**, **SA 5** and **SPA 1** to **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SPA 1 to **SA 5** was again taken up.

Senator Wiggins assumed the Chair.

Senator Flotron moved that **SPA 1** to **SA 5** be adopted, which motion prevailed.

Senator Howard moved that **SA 5**, as amended, be adopted, which motion prevailed.

Senator Clay offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 709, Page 27, Section B, Line 16 of said page, by inserting immediately before said line, the following:

"Section 1. The provisions of subsection 1 of section 105.471, RSMo, shall not apply to any public official who accepts any item or items listed in such subsection if the public official is within the third degree of consanguinity or affinity of the lobbyist or lobbyist principal who provides such item or items."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Kenney moved that the vote by which **SA 2** to **SS** for **SB 709** was adopted, be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Bentley	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Banks	Caskey	Clay	Curls--4
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Absent--Senator Mathewson--1

Absent with leave--Senators--None

SA 2 was again taken up.

At the request of Senator Kenney, **SA 2** was withdrawn.

Senator Kenney offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 709, Page 23, Section 195.961, Line 25 of said page, by inserting immediately after said line the following:

"130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained in accordance with the recordkeeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures he has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate or committee treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous contributions to exceed the foregoing limitation, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and, if the contributor's identity cannot be ascertained, the committee treasurer shall immediately transmit the anonymous contribution to the state treasurer to escheat to the state.

6. Notwithstanding the provisions of subsection 5 of this section, contributions from individuals whose names and addresses cannot be ascertained which are received from a fund-raising activity or event, such as defined in section 130.011, shall not be deemed anonymous contributions, provided the following conditions are met:

(1) There are twenty-five or more contributing participants in the activity or event;

(2) The candidate, committee treasurer or the person responsible for conducting the activity or event makes an announcement that it is illegal for anyone to make or receive a contribution in excess of twenty-five dollars unless the contribution is accompanied by the name and address of the contributor;

(3) The person responsible for conducting the activity or event does not knowingly accept payment from any single person of more than twenty-five dollars unless the name and address of the person making such payment is obtained and recorded pursuant to the recordkeeping requirements of section 130.036;

(4) A statement describing the event shall be prepared by the candidate or the treasurer of the committee for whom the funds were raised or by the person responsible for conducting the activity or event and attached to the disclosure report of contributions and expenditures required by section 130.041. The following information to be listed in the statement is in addition to, not in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of contributions and expenditures:

(a) The name and mailing address of the person or persons responsible for conducting the event or activity and the name and address of the candidate or committee for whom the funds were raised;

(b) The date on which the event occurred;

(c) The name and address of the location where the event occurred and the approximate number of participants in the event;

(d) A brief description of the type of event and the fund-raising methods used;

(e) The gross receipts from the event and a listing of the expenditures incident to the event;

(f) The total dollar amount of contributions received from the event from participants whose names and addresses were not obtained with such contributions and an explanation of why it was not possible to obtain the names and addresses of such participants;

(g) The total dollar amount of contributions received from contributing participants in the event who are identified by name and address in the records required to be maintained according to the provisions of section 130.036.

7. No candidate or committee in this state shall accept contributions from any out-of-state committee unless the out-of-state committee from whom the contributions are received has filed a statement of organization under the provisions of section 130.021 or has filed the reports required by section 130.051, whichever is applicable to that committee.

8. Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor as provided by this section. For the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but "printed matter" is defined to exclude materials printed and purchased prior to May 20, 1982, if the candidate or committee can document that delivery took place prior to May 20, 1982; any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.

(1) In regard to any printed matter paid for by a candidate from the candidate's personal funds, it shall be sufficient identification to print the first and last name by which the candidate is known.

(2) In regard to any printed matter paid for by a committee, it shall be sufficient identification to print the name of the committee as required to be registered by subsection 5 of section 130.021 and the name and title of the committee treasurer who was serving when the printed matter was paid for.

(3) In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (7) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the

principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.

(4) In regard to any printed matter paid for by an individual or individuals, it shall be sufficient identification to print the name of the individual or individuals and the respective mailing address or addresses, except that if more than five individuals join in paying for printed matter it shall be sufficient identification to print the words "For a list of other sponsors contact:" followed by the name and address of one such individual responsible for causing the matter to be printed, and the individual identified shall maintain a record of the names and amounts paid by other individuals and shall make such record available for review upon the request of any person. No person shall accept for publication or printing nor shall such work be completed until the printed matter is properly identified as required by this subsection.

9. Any broadcast station transmitting any matter relative to any candidate for public office or ballot measure as defined by this chapter shall identify the sponsor of such matter as required by federal law.

10. The provisions of subsections 8, 9, and 12 of this section shall not apply to candidates for elective federal office, provided that persons causing matter to be printed or broadcast concerning such candidacies must comply with the requirements of federal law for identification of the sponsor or sponsors.

11. It shall be a violation of this chapter for any person required to be identified as paying for printed matter under subsection 8 of this section or paying for broadcast matter under subsection 9 of this section to refuse to provide the information required or to purposely provide false, misleading, or incomplete information.

12. In addition to the requirements of subsections 8 and 9 of this section, any printed or broadcast matter described in subsection 8 or 9 of this section which contains allegations regarding the actions, inactions, beliefs, behavior or other aspects of any candidate for office, other than the candidate or candidate committee which issued such printed or broadcast matter, shall contain in addition to the requirements of subsections 8 and 9 of this section, a statement that the information contained in the advertisement has been approved by the candidate on whose behalf the printed or broadcast matter was issued. Such statement shall be in the following form: "The contents of this advertisement have been approved and authorized by (insert name of candidate), candidate for (insert office)" and shall be displayed or broadcast with the "Paid for by" statement required pursuant to subsections 8 and 9 of this section. Any person or committee which violates this subsection shall be subject to the penalties described in this chapter.

13. A candidate or officeholder shall not knowingly accept a contribution from any person identified in section 313.831, RSMo."; and

Further amend said bill, page 27, section 130.032, line 15, by inserting immediately after said line the following:

"313.831. No person who is an officer or who owns a substantial interest in an excursion gambling boat operation, as defined in section 105.450, RSMo, shall make a contribution as defined in chapter 130, RSMo, to any candidate for public office or any officeholder. No executive lobbyist or legislative lobbyist as defined in section 105.470, RSMo, for an excursion gambling boat operation, shall make a contribution on behalf of such operation as defined in chapter 130, RSMo, to any candidate for public office or any officeholder. Any person who violates this section shall be subject to the penalty provisions of section 105.478, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Kenney offered SPA 1 to SA 7, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Bill No. 709, Page 8, Section 313.831, Line 7, by

striking the word "substantial" and inserting in lieu thereof the following:

"one percent or greater" and further on lines 8-9 by striking "as defined in section 105.450, RSMo" and inserting in lieu thereof the following: **"or who has a one percent interest or greater in a publicly traded corporation that has an interest in an excursion gambling boat, or has applied for a license to operate an excursion gambling boat in the state of Missouri."**

Senator Kenney moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Kenney moved that **SA 7**, as amended, be adopted, which motion prevailed.

Senator Banks offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 709, Page 15, Section 105.959, Line 15, by adding the following:

"7. No candidate, elected or appointed officeholder, public employee, campaign committee, candidate committee, continuing committee or connected organization as defined in section 130.011, RSMo, or any person within the third degree of consanguinity or affinity to any candidate shall solicit a campaign contribution from any lobbyist registered in this state or from any entity for whom a lobbyist is registered."

Senator Banks moved that the above amendment be adopted, which motion failed.

President Wilson assumed the Chair.

Senator Clay offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 709, Page 27, Section B Line 16, by inserting immediately before said line, the following:

"Section 1. The provisions of section 105.471 shall not be applied until such time as the per diem allowed for legislators is at least eighty percent of that authorized under federal law for employees of the United States."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Wiggins resumed the Chair.

Senator Melton offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 709, Page 9, Section 105.955, Lines 20-21, by deleting the words "Cole County" and substituting in lieu thereof the following: "the county in which a prospective defendant resides".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **SB 709**, with **SS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 883**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 883, Page 2, Section 376.854, Line 22, by striking the following from said line: "or section 1833".

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 947**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 947, Page 1, In the Title, Line 2, by striking the word "County" and inserting in lieu thereof the following: "and Buchanan Counties"; and

Further amend said bill, page 2, section 1, line 39, by adding after said line, the following:

"Section 2. 1. The governor of the state of Missouri is hereby authorized to grant, bargain, sell and convey certain real property owned by the state and located in Buchanan County to United Cerebral Palsy of Buchanan County.

2. The real property to be conveyed is more particularly described as follows:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 57 NORTH, RANGE 35 WEST, ST. JOSEPH, BUCHANAN COUNTY, MISSOURI, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER, 50.0 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER, 410.42 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID QUARTER, 150.21 FEET; THENCE EAST, AT RIGHT ANGLES TO THE WEST LINE OF SAID QUARTER, 290.0 FEET; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER, 150.21 FEET; THENCE WEST, AT RIGHT ANGLES TO A LINE PARALLEL TO THE WEST LINE OF SAID QUARTER, 290.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1.0 ACRES, MORE OR LESS, ALL BEING SUBJECT TO ALL PUBLIC ROADS, EASEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, AND CONDITIONS, IF ANY, NOW OF RECORD.

3. The consideration for the conveyance shall be agreed upon by the parties.

4. The attorney general shall approve as to form the instrument of conveyance."

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 947, Page 1, Section Title, Line 2, by striking the word "County" and inserting in lieu thereof

the following: "and Buchanan Counties"; and

Further amend said bill, page 2, section 1, line 39, by inserting immediately after said line, the following:

"Section 2. 1. The governor is hereby authorized and empowered to give, grant, bargain and convey to the city of St. Joseph, Missouri, rights-of-way for the purpose of widening a street, two tracts of certain state property located in the city of St. Joseph, Buchanan County, Missouri.

2. The tract of property, containing two thousand forty square feet located on the North side of Frederick Avenue in St. Joseph, Missouri, to be conveyed for a new right-of-way by the state of Missouri is more particularly described as follows:

Commencing at the southeast corner of Section 3, Township 57 North, Range 35 West, Buchanan County, Missouri; thence along the south line of said section north 89 degrees 53 minutes 15 seconds west, 1291.37 feet; thence north 00 degrees 06 minutes 45 seconds east, 30.00 feet to the Point of Beginning, said point being on the north right-of-way line of Frederick Avenue; thence along said right-of-way line north 89 degrees 53 minutes 15 seconds west, 170.00 feet; thence north 00 degrees 06 minutes 45 seconds east, 12.00 feet; thence south 89 degrees 53 minutes 15 seconds east, 170.00 feet; thence south 00 degrees 06 minutes 45 seconds west, 12.00 feet to the Point of Beginning.

3. The tract of property, containing twenty-two thousand six hundred forty-six square feet located on the South side of Frederick Avenue in St. Joseph, Missouri, to be conveyed for a new right-of- way by the state of Missouri is more particularly described as follows:

Commencing at the north quarter corner of Section 10, Township 57 North, Range 35 West, Buchanan County, Missouri; thence south along the west line of the northeast 1/4 of said Section 10, 30.00 feet to the Point of Beginning, said point being on the existing southern right-of-way line of Frederick Avenue; thence along said existing right-of-way line south 89 degrees 53 minutes 15 seconds east, 2213.31 feet; thence continuing along said line south 84 degrees 10 minutes 40 seconds east, 100.57 feet; thence north 89 degrees 53 minutes 15 seconds west, 2313.34 feet to the west line of the northeast 1/4 of said Section 10; thence north along said line 10.00 feet to the Point of Beginning.

4. The governor is hereby authorized and empowered to give, grant and convey for the use of, the city of St. Joseph, Missouri, permanent easements for the construction and maintenance of storm sewers on two tracts of state property located in St. Joseph, Buchanan County, Missouri.

5. The tract of property, containing three hundred square feet located on the North side of Frederick Avenue in St. Joseph, Missouri, to be conveyed for an easement by the state of Missouri is more particularly described as follows:

Commencing at the southeast corner of Section 3, Township 57 North, Range 35 West, Buchanan County, Missouri; thence along the south line of said section north 89 degrees 53 minutes 15 seconds west, 1363.87 feet; thence north 00 degrees 06 minutes 45 seconds east, 42.00 feet to the Point of Beginning; thence north 89 degrees 53 minutes 15 seconds west, 25.00 feet; thence north 00 degrees 06 minutes 45 seconds east, 12.00 feet; thence south 89 degrees 53 minutes 15 seconds east, 25.00 feet; thence south 00 degrees 06 minutes 45 seconds west, 1200 feet to the Point of Beginning.

6. The tract of property, containing fifty thousand two hundred fifty- eight square feet located on the South side of Frederick Avenue in St. Joseph, Missouri, to be conveyed for an easement by the state of Missouri is more particularly described as follows:

Commencing at the northeast corner of Section 10, Township 57 North, Range 35 West, Buchanan County, Missouri; thence along north line of said section north 89 degrees 53 minutes 15 seconds west, 1353.48 feet to the Point of Beginning; thence south 08 degrees 56 minutes 39 seconds west, 179.04 feet; thence south 59 degrees 39 minutes 59 seconds west, 94.42 feet; thence south 40 degrees 09 minutes 06 seconds west, 403.84 feet; thence

south 31 degrees 47 minutes 37 seconds west, 330.00 feet to the point of terminus for said easement.

7. The form of the instruments of conveyances shall be approved by the attorney general."

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 940**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 662**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 930**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 933**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 933, Page 2, Section 311.191, Line 50, by striking the words "or any adjacent state".

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 844**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 855**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SJR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 505**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

SB 948--Agriculture and Local Government.

SB 949--Appropriations.

SB 950--Insurance and Housing.

SB 952--Appropriations.

SB 953--Civil and Criminal Jurisprudence.

SB 954--Education.

SB 955--Civil and Criminal Jurisprudence.

SB 956--Civil and Criminal Jurisprudence.

SB 957--Transportation.

SB 958--Education.

SB 959--Public Health and Welfare.

SB 960--Insurance and Housing.

SB 961--Judiciary.

SB 962--Commerce and Environment.

SB 963--Education.

SB 964--Insurance and Housing.

SB 965--Transportation.

SB 966--Civil and Criminal Jurisprudence.

SB 967--Aging, Families and Mental Health.

SB 968--Conservation, Parks and Tourism.

SB 969--Ways and Means.

SB 970--Civil and Criminal Jurisprudence.

SB 971--Public Health and Welfare.

SB 972--Agriculture and Local Government.

On motion of Senator Banks, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 961, regarding the General Federation of Women's Clubs (GFWC) of Missouri, Inc., which was adopted.

Senator Maxwell offered Senate Resolution No. 962, regarding the One Hundred First Birthday of Verna L. Mendenhall, Scotland County, which was adopted.

Senator Treppler offered Senate Resolution No. 963, regarding Berenice J. Mahacek, St. Louis County, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Howard moved that **SB 661** be taken up for perfection, which motion prevailed.

On motion of Senator Howard, **SB 661** was declared perfected and ordered printed.

Senator Russell moved that **SB 497** be taken up for perfection, which motion prevailed.

Senator Melton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 497, Page 2, Section 2, Line 3, by adding following the word "district" the following: "who resides within the proposed district and".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Russell, **SB 497**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 494**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 494**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 494

An Act to repeal sections 473.020, 473.033,

473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360, 473.433, 473.657, 473.663, 473.840, 474.010, 474.250, 474.260, 474.290 and 474.333, RSMo 1994, relating to the administration of decedents' estates, and to enact eighteen new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 494** be adopted.

Senator Caskey offered **SS** for **SCS** for **SB 494**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 494

An Act to repeal sections 473.020, 473.033, 473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360, 473.433, 473.657, 473.663, 473.840, 474.010, 474.250, 474.260, 474.290, 474.333 and 537.021, RSMo 1994, relating to the administration of estates, and to enact twenty new sections relating to the same subject, with an emergency clause.

Senator Caskey moved that **SS** for **SCS** for **SB 494** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 494, Page 9, Section 473.090, Line 2, by deleting the word "**ten**" and placing in lieu thereof the following: "**fifteen**"; and

Further amend said section, page 9, line 22, by deleting the word "**ten**" and placing in lieu thereof the following: "**fifteen**"; and

Further amend said bill, page 20, section 473.433, line 10, by inserting immediately after said line the following:

"473.543. Each settlement filed by a personal representative shall state the period for which it is made and, among other things, shall contain a just and true account of all moneys by him collected, the date when collected, from whom collected and on what account collected, whether on claims charged in the inventory or for property sold or otherwise; and it shall show the exact amount of principal and interest collected on each claim, and also the amount and date of each expenditure or distribution, and to whom and for what paid. Such settlement shall also show what interest has been obtained by the personal representative upon any funds in his hands, and when obtained, on what amounts, for what time and at what rate percent. Each expenditure **of more than seventy-five dollars** for which a personal representative claims credit in any settlement shall be supported by vouchers executed by the person to whom the disbursement was made. **The court has discretion to require vouchers for expenditures of less than seventy-five dollars.** Every settlement shall be signed by the personal representative."; and

Further amend said bill, page 23, section 473.663, line 2 by inserting immediately after said line the following:

"473.823. 1. An independent personal representative is entitled to reasonable compensation for his services. The statutory schedule of compensation prescribed in section 473.153 [is prima facie evidence of reasonable compensation] **shall be considered a minimum fee** for services rendered. An independent personal representative may renounce his right to all or any part of the compensation. A written renunciation of fee may be filed with the court.

2. If the will provides for compensation of the independent personal representative, and there is no contract with the decedent regarding compensation, he may renounce the provisions before qualifying only if he also renounces the right to administer independently under subsection 1 of section 473.780. In the event of such renunciation, the administration shall be supervised unless independent administration is authorized under subsection 2 or 3 of section 473.780.

3. An independent personal representative's attorney shall be entitled to reasonable compensation for his services, but in no event shall the compensation of the independent personal representative or his attorney be in excess of the minimum prescribed by section 473.153, without authorization by the court. The schedule contained in such section shall be prima facie evidence of the reasonableness of the fees charged."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS** for **SCS** for **SB 494**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 494**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 560**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SS** for **SB 560**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 560

An Act to repeal sections 304.001, 304.155, 304.157 and 304.575, RSMo 1994, and section 301.010, RSMo Supp. 1995, relating to the towing of motor vehicles, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Senator Goode moved that **SS** for **SB 560** be adopted.

Senator Melton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 560, Page 17, Section 304.155, Line 21 of said page, by striking said line and substituting therefor the following: "the vessel is floating loose on the water and has been unattended for more than twelve hours.".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Goode moved that **SS** for **SB 560**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 560**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 852** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SS** for **SB 852**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 852

An Act to repeal sections 163.011, 163.031, and 165.051, RSMo 1994, and sections 164.011 and 165.011, RSMo Supp. 1995, relating to the use of public school funds, and enacting six new sections relating to the same subject, with an emergency clause.

Senator Caskey moved that **SS** for **SB 852** be adopted.

At the request of Senator Caskey, **SB 852**, with **SS** (pending), was placed on the Informal Calendar.

Senator Curls moved that **SB 743**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 743**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 743

An Act to amend chapter 376, RSMo, by adding one new section relating to insurer's subrogation to rights of recovery of insured persons.

Was taken up.

Senator Curls moved that **SCS** for **SB 743** be adopted.

Senator Curls offered **SS** for **SCS** for **SB 743**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 743

An Act to amend chapter 376, RSMo, by adding one new section relating to insurer's subrogation to rights of recovery of insured persons.

Senator Curls moved that **SS** for **SCS** for **SB 743** be adopted.

Senator McKenna offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 743, Page 2, Section 376.1100, Lines 11-12, by striking all of said lines and the word "prejudice" on line 13 and by adding back the words "insured within thirty days." on line 11.

Senator McKenna moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 743, Pages 1 to 4, Section 376.1100, Subsections 1 to 5, by striking all said subsections 1 to 5; and

Amend subsection 6, page 4, line 9 by inserting after the word "over" the words "other subrogation" and by striking the word "the", and by striking in line 10 the words "created by this section" and insert a period "." after the word "recovery" in line 9; and by striking the numeral "6." on line 7.

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Curls, **SB 743**, with **SCS**, **SS** for **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Moseley, Chairman of the Committee on Education, Senator Caskey submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 926**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 964, regarding Ahren Joseph "A.J." Love, Lee's Summit, which was

adopted.

Senator Kenney offered Senate Resolution No. 965, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Morey Spencer, Independence, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Charles W. Gotschall and Janet Oliver, Kansas City.

Senator Wiggins introduced to the Senate, Doris Collins and Annette Waugh, Grandview; Shirley Rundel and Rachel Bachenberg, Kansas City; Jean Marie Kiefer, Harrisonville; and Edna Joyce Coonce, Raytown.

Senator Flotron introduced to the Senate, Carroll and Arlene Burkholder and Jim and Betty Estes, Owensville.

On behalf of Senator Mathewson, the President introduced to the Senate, a delegation of Methodist women from around the state.

Senator Caskey introduced to the Senate, Judy Ball, Adrian; and Ruth Oldham and Phyllis Brassfield, Rich Hill.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Ben Koon, his wife, Lynn, and their son, Jamie Sharp, Bolivar; and Jamie was made an honorary page.

Senator Banks introduced to the Senate, Ms. Joan Drake, Ms. Barbara Houston and Ms. Jackie Nance, St. Louis.

Senator Rohrbach introduced to the Senate, his daughter Eva, California.

Senator Moseley introduced to the Senate, Kathy Evans, and her sons, Blaine and Michael, Columbia; and Blaine and Michael were made honorary pages.

Senator Mueller introduced to the Senate, Pam Compton, Peggy Adams and Annette Smith, St. Louis.

Senator Treppler introduced to the Senate, Eunagene Pohlig and Sally Dehner, St. Louis County.

Senator Caskey introduced to the Senate, Roberta Rogers and Elnora Fay, Belton.

Senator Bentley introduced to the Senate, Cindy Frank, Springfield; and Karen Morgan, Joplin.

Senator Sims introduced to the Senate, Kathy Drabowski and Merrily Goldsmith, St. Louis.

Senator Melton introduced to the Senate, Virginia Roberts and Nell Peevy, Ozark; and Jeanette McCauley, Nixa.

Senator Graves introduced to the Senate, Steve Kinyon, and seventh and eighth grade students from Nodaway-Holt School, Maitland.

Senator Sims introduced to the Senate, one hundred students from Fanning and Gateway Schools, St. Louis, and Remington Traditional School, Pattonville; and E.J. Barnhart, Seth Bolstad, Tu Nguyen and Meldina Botic were made honorary pages.

Senator McKenna introduced to the Senate, Susan Dietrich and the Hillsboro High School student council, Hillsboro.

Senator Bentley introduced to the Senate, Carl Yendes, Springfield.

Senator Treppler introduced to the Senate, Bernadette Lauth and Cub Scout Troop 646 from St. Catherine School, St. Louis County; and Steven Hopson, Chris Price, Bill Stanley, Tim Hackmann and Joey Schwob were made honorary pages.

Senator Kenney introduced to the Senate, his son, Billy, Lee's Summit.

Senator Curls introduced to the Senate, his sister, Dr. Karen E. Curls and Felicia Dawson, Kansas City.

Senator Singleton introduced to the Senate, Mrs. Dziesinski, and her sons, Jordan and Daniel, Oronogo; and Jordan and Daniel were made honorary pages.

On motion of Senator Caskey, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY--WEDNESDAY, MARCH 6, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we have a perception of ourselves which is often quite different from the perception that others have of us. We are most concerned about the perception that You have of us. Help us to live in such a way that we are the kind of people You would have us to be. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Singleton--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 966, regarding Patrick J. "Pat" Richards, which was adopted.

Senator Mathewson offered Senate Resolution No. 967, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Van Gorrell Jones, Sedalia, which was adopted.

Senator Flotron offered the following resolution:

SENATE RESOLUTION NO. 968

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 7th District of the one day Notice required by Rule 97 of intent to put a Motion to Adopt the Following Rule change:

"Rule 102. A member, officer or employee of the Senate shall not accept meals, food, beverage or other gift, from a Legislative lobbyist as defined in paragraph (a) of subdivision (3) of subsection 1 of section 105.470, RSMo, or the lobbyist principal of such lobbyist[, except as provided in this rule]. This rule shall not apply to:

(1) Any single item accepted from a lobbyist or a lobbyist principal identified in this rule of a value **of** less than fifty dollars;

(2) [Any] **All** items accepted **by any member, officer or employee** in any calendar year from [a lobbyist] **lobbyists** or lobbyist [principal] **principals** identified in this rule which are of a value **of** less than one hundred dollars **in the aggregate**;

(3) The participation of members, officers and [staff] **employees** in activities authorized in paragraph (c) of subdivision (2) of subsection 4 of section 105.470, RSMo, **regardless of the aggregate value; except that for the purposes of this rule, the Senate Committee on Ethics shall determine the minimum size of an approved caucus**; or

(4) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of a report pursuant to paragraph [(c)] **(b)** of subdivision (2) of subsection 4 of section 105.470, RSMo.

This rule shall not prevent any member from accepting meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member.

This rule shall become effective March 18, 1996."

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO.969

WHEREAS, it is with sincere appreciation and genuine respect that the members of the Missouri Senate pause to honor one of this state's outstanding public servants; and

WHEREAS, Leon Ward is being lauded by this legislative body and the Missouri Division of Family Services for forty years of unparalleled service to the children and families of this state, an accomplishment for which a celebration will be held on March 22, 1996, at the Holiday Inn in Poplar Bluff; and

WHEREAS, since beginning his career on March 12, 1956, as a Caseworker I in Stoddard County, Leon Ward had held a variety of important positions, including County Director I for Iron County, County Director II and County Director III for Stoddard County, and Assistant Area Director for the Area 3 Office in Dexter; and

WHEREAS, Leon Ward is known, respected, and admired by his superiors and peers for his leadership and mentoring skills, attributes which have resulted in well-deserved promotions for subordinates to administrative positions within the agency; and

WHEREAS, Leon Ward enjoys an enviable reputation for delivering a high level of quality service to the families and children in the counties he serves, an endeavor which has profoundly affected the overall value of life for generations of families; and

WHEREAS, a veteran of the United States Armed Forces, Leon Ward enjoys gardening, spending time with his wife, June, and watching their family traditions be passed on to their wonderful children and delightful grandchildren;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, unanimously join to express our most sincere gratitude for the forty years of honorable service that Leon Ward has rendered to this state, and to wish him continued success in his ongoing mission of making life fuller and more meaningful for his fellowmen; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Leon Ward.

President Wilson assumed the Chair.

REFERRALS

President Pro Tem Mathewson referred **SB 611**, with **SCA 1**, to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HCS for **HB 1259**--Civil and Criminal Jurisprudence.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 497** and **SB 661**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 955**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 929**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 970**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 643** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 643, Page 1, Section 617.001, Line 16, by inserting immediately after "RSMo." the following: "**Appropriations for the department of aging shall be determined in the same appropriations bill as the department of social services.**"

617.002. The following terms, whenever used in chapter 617, mean:

(1) "**Department of aging**", the state agency primarily charged with administering and coordinating programs relating to older persons;

(2) "Division of family services", the division within the department of social services primarily charged with determining eligibility for state or federally funded medical assistance;

(3) "Division of medical services", the division within the department of social services primarily charged with determining coverage and payment for state or federally funded medical assistance;

(4) "Older person", individuals sixty years of age or older."; and

Further amend said bill, page 2, section 617.007, line 5, by inserting immediately after said line, the following:

"617.009. 1. The department of aging, the department of social services, the department of health and the department of mental health shall develop a unified service delivery system, which includes but is not limited to a single application form to be used by these same state departments for programs meeting older persons' medical and health needs.

2. The application form and any subsequent unified service delivery mechanism shall be used by the department of aging, the department of social services, the department of health and the department of mental health in order to provide a single point of entry for serving the medical and health needs of older persons.

3. The department of aging, the department of social services, the department of health, the department of mental health, the division of family services and the division of medical services shall develop agreements and protocols for sharing application forms and information and for ensuring the timely processing of all applications by the appropriate agency."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator Quick assumed the Chair.

Senator Maxwell was recognized to interrogate Senator Kenney.

Senator House raised the point of order that the debate between Senators Maxwell and Kenney was out of order in that it was not germane to the subject matter of the pending amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Johnson assumed the Chair.

Senator DePasco moved that **SA 1** be adopted, which motion prevailed.

President Wilson resumed the Chair.

Senator DePasco moved that **SB 643**, as amended, be declared perfected and ordered printed.

Senator Caskey requested a roll call vote be taken on the perfection of **SB 643**, as amended, and was joined in his request by Senators House, Kinder, Melton and Wiggins.

SB 643, as amended, was declared perfected and ordered printed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	House

Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Mueller
Quick	Russell	Schneider	Scott
Staples	Treppler	Wiggins--23	

Nays--Senators

Ehlmann	Graves	Kenney	Kinder
Klarich	Melton	Rohrbach	Sims
Westfall--9			

Absent--Senators Bentley--1

Absent with leave--Senator Singleton--1

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 560**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 23**.

On motion of Senator Banks, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 494**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SCS** for **SB 657**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following

reports:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 916**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 703**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senators Wiggins, Mathewson, Caskey, Rohrbach, Russell, DePasco, Westfall, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 970

WHEREAS, the Members of the Missouri Senate are deeply saddened to learn that Representative James A. Barnes, 49th District, has resigned from the Missouri House of Representatives effective February 29, 1996; and

WHEREAS, Representative Barnes, a native of Kansas City, was elected to the House in 1978, representing a District in Raytown; and

WHEREAS, Representative Barnes, served with great distinction in the Missouri House for 17 years, holding many positions of honor and leadership; and

WHEREAS, Representative Barnes served as Vice Chairman of the Committee on Accounts, Operations and Finance, Vice Chairman of the Committee on Rules, Joint Rules, Bills Perfected and Printed, and as a Member of Miscellaneous Bills and Resolutions; and

WHEREAS, Representative Barnes was elected Assistant Majority Floor Leader for the 83rd, 84th, and 85th General Assemblies, and received the high honor of being elected as Speaker Pro-tem for the 86th, 87th and 88th General Assemblies and became an Ex-Officio member of all House committees; and

WHEREAS, Representative Barnes is a graduate of Penn Valley Community College and received an A.B. Degree from Rockhurst College and then an M.A. Degree from Webster University; and

WHEREAS, Representative Barnes is a member of Alpha Sigma Nu, the National Jesuit Honor Society, Rotary International, Governor's Council on Health and Physical Fitness, Board of Directors of Crittenton Center and was awarded an Honorary Doctor of Laws Degree by Webster University; and

WHEREAS, Representative Barnes provided distinguished legislative leadership in the highest traditions of Democratic Representative Government for Raytown, Kansas City, Jackson County and the State of Missouri;

NOW THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding legislative career of Representative James A. Barnes, 49th District, and to the people of Missouri; and extend to Representative Barnes, and his family, best wishes for many long years continued good health and happiness.

HOUSE BILLS ON THIRD READING

HB 846, with **SCA 1**, introduced by Representative Koller, entitled:

An Act to repeal sections 105.483 and 105.487, RSMo 1994, relating to public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HB 846**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Banks	Bentley	Curls	Lybyer
Schneider--5			

Absent with leave--Senators

Scott	Singleton--2
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The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley

Mueller	Quick	Rohrbach	Russell
Sims	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Banks	Curls	Schneider--3
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Absent with leave--Senators

Scott	Singleton--2
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On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

Senator Wiggins assumed the Chair.

SCS for **SB 569**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 569

An Act to repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to reports of child abuse or neglect, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SB 569** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Bentley--1

Absent--Senators--None

Absent with leave--Senators

Johnson Scott Singleton--3

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

SCS for **SBs 613** and **714**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 613 and 714

An Act to amend chapter 392, RSMo, by adding one new section relating to cable television services to occupants of certain properties.

Was taken up by Senator Ehlmann.

On motion of Senator Ehlmann, **SCS** for **SBs 613** and **714** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Russell	Schneider	Sims
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Howard Klarich Rohrbach--3

Absent--Senators--None

Absent with leave--Senators

Johnson Scott Singleton--3

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 676, introduced by Senator Quick, entitled:

An Act to repeal sections 96.196, 205.160, 205.190, 206.110 and 206.157, RSMo 1994, relating to the powers of governmental hospitals to offer, and to enact five new sections relating to the same subject.

Was taken up.

On motion of Senator Quick, **SB 676** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SJR 29, introduced by Senator Maxwell, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 of article VI of the constitution of Missouri relating to joint municipal utility commission revenue bonds, and adopting one new section

in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Maxwell, **SJR 29** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SCS for **SB 657** was called from the Consent Calendar and taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SB 657**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Maxwell	McKenna	Melton	Moseley

Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators--None		
	Absent--Senator Mathewson--1		
	Absent with leave--Senators		
Johnson	Scott	Singleton--3	

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

Senator Quick resumed the Chair.

SB 530, introduced by Senators McKenna and Goode, entitled:

An Act to repeal section 190.145, RSMo 1994, relating to ambulance operators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **SB 530** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators--None		
	Absent--Senator Schneider--1		

Absent with leave--Senators

Johnson Scott Singleton--3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Johnson Scott Singleton--3

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Staples moved that the Conference Committee Report on **SS No. 2** for **SS** for **HB 1047** be again taken up for adoption, which motion prevailed.

Senator Staples moved that the Conference Committee Report on **SS No. 2** for **SS** for **HB 1047** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Howard--1

Absent--Senators--None

Absent with leave--Senators

Johnson	Scott	Singleton--3
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On motion of Senator Staples, **CCS** for **SS No. 2** for **SS** for **HB 1047**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1047

An Act to repeal sections 301.150, 302.301, 304.011, 304.015, 304.016, 304.017, 304.019, 304.023, 304.024, 304.026, 304.044, 304.075, 304.140, 304.150, 304.160, 304.220, 304.250, 304.271, 304.281, 304.301, 304.341, 304.351, 307.010, 307.040, 307.045, 307.055, 307.060, 307.065, 307.070, 307.075, 307.080, 307.085, 307.090, 307.095, 307.100, 307.105, 307.110, 307.115, 307.122, 307.125, 307.127, 307.155, 307.170, 307.171, 307.195, 307.350, 307.366, 307.380, 544.216, 544.665 and 575.150, RSMo 1994, and sections 302.020, 304.009, 304.010 and 304.022, RSMo Supp. 1995, relating to penalties for violation of motor vehicle laws, and to enact in lieu thereof fifty-four new sections relating to the same subject, with penalty provisions and with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims

Staples Treppler Westfall Wiggins--28

Nays--Senators

Howard Klarich--2

Absent--Senator Lybyer--1

Absent with leave--Senators

Johnson Scott Singleton--3

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Howard--1

Absent--Senators--None

Absent with leave--Senators

Johnson Scott Singleton--3

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 876, introduced by Senator Treppler, entitled:

An Act to amend chapter 26, RSMo, by adding one new section relating to boards and commissions.

Was called from the Consent Calendar and taken up.

On motion of Senator Treppler, **SB 876** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 874, introduced by Senator Moseley, entitled:

An Act to repeal section 320.094, RSMo Supp. 1995, relating to the Missouri fire education trust fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Moseley, **SB 874** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach

Russell	Schneider	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 811, introduced by Senator Goode, entitled:

An Act to repeal section 80.110, RSMo 1994, relating to the adoption of ordinances in villages, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 811** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 598, with **SCS**, introduced by Senator McKenna, entitled:

An Act to repeal sections 115.124 and 247.180, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 598**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 598

An Act to repeal sections 115.124 and 247.180, RSMo 1994, relating to public water supply districts, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **SCS** for **SB 598** be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SB 598** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 888**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 868**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 868, Page 1, Section 287.210, Line 3, by inserting immediately after "insurer," the following: **"the state through the central accident reporting office or the second injury fund or its legal counsel,"**.

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 572** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Caskey offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 572, Page 1, Section 160.051, Line 6, by deleting "July" on said line and inserting in lieu thereof the word "September".

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 572, Page 1, Section 160.051, Line 6, by deleting "July" on said line and inserting in lieu thereof the word "August".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Treppler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 572, Page 3, Section 160.053, Line 50, by inserting immediately after said line, the following:

"171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of at least one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance. The opening date shall not be earlier than the [first] **fifteenth** day of [September] **August**, except[:

(1) If the first day of September falls on Labor Day or a Saturday or Sunday, the school board in any school district may move the starting day for that term to a subsequent school day;

(2)] In school districts in which schools are in session for twelve months of each calendar year[; and

(3) In school districts in which the school board determines students are needed for agricultural production purposes].

2. No school day shall be longer than seven hours except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a [first class] county [adjacent to a city not within a county] **of the first classification with a charter form of government and a population in excess of nine hundred thousand persons.**"; and

Further amend the title and enacting clause accordingly.

Senator Treppler moved that the above amendment be adopted, which motion prevailed.

Senator Moseley moved that **SB 572**, as amended, be declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 986**, entitled:

An Act to repeal section 302.272, RSMo, 1994, relating to school bus operator permits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1244**, entitled:

An Act to repeal section 185.100, RSMo 1994, relating to the Missouri arts council, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1097**, entitled:

An Act relating to the provisions of emergency response services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1541**, entitled:

An Act to repeal sections 104.090 and 104.460, RSMo 1994, relating to the Missouri state employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1217**, entitled:

An Act to repeal section 376.893, RSMo 1994, relating to a certain health insurance coverage, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1379**, entitled:

An Act relating to certain operations of government.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1404**, entitled:

An Act to repeal sections 87.130, 87.205, 87.220 and 87.235, RSMo 1994, relating to firemen's retirement and relief systems in certain cities, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1469**, entitled:

An Act to repeal section 140.190, RSMo 1994, relating to bidding at a sale of land for delinquent taxes, and to enact

in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 979**, entitled:

An Act to amend chapters 140 and 141, RSMo, by adding thereto one new section to each such chapter for the purpose of preserving valid covenants and easements upon real property after certain sales of land.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 823**, entitled:

An Act to authorize the governor to convey certain land of Northwest Missouri State University to the Northwest Foundation, Inc.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 937**, entitled:

An Act to repeal section 226.550, RSMo 1994, relating to certain permit fees for outdoor advertising, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1400**, entitled:

An Act to repeal sections 103.008, 103.079 and 103.158, RSMo 1994, and section 103.003, RSMo Supp. 1995, relating to the health plan for state employees, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1081**, entitled:

An Act to repeal section 630.053, RSMo Supp. 1995, relating to the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1123**, entitled:

An Act to repeal section 23.140, RSMo 1994, relating to the oversight division of the committee on legislative research, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 766**, entitled:

An Act to repeal section 190.309, RSMo Supp. 1995, relating to certain telephone emergency service, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1248**, entitled:

An Act to repeal section 12.027, RSMo 1994, relating to public lands, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1460**, entitled:

An Act to repeal section 190.335, RSMo 1994, relating to central dispatching and emergency services, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 809**, entitled:

An Act to repeal section 190.145, RSMo 1994, relating to licensing of certain emergency personnel, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1300**, entitled:

An Act to repeal section 249.763, RSMo 1994, relating to sewer districts, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1346**, entitled:

An Act to repeal section 70.500, RSMo Supp. 1995, relating to the Kansas and Missouri Metropolitan Culture District Compact, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1355**, entitled:

An Act to repeal sections 105.665, 105.670 and 105.675, RSMo 1994, relating to certain retirement plans, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1221**, entitled:

An Act to repeal section 54.160, RSMo 1994, relating to certain county officials, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1093**, entitled:

An Act to repeal section 321.610, RSMo Supp. 1995, relating to certain fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 929**, entitled:

An Act to repeal section 435.350, RSMo 1994, relating to arbitration, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1119**, entitled:

An Act to repeal sections 376.562, 377.080 and 377.310, RSMo 1994, relating to certain charitable organizations, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1432**, entitled:

An Act to repeal section 408.110, RSMo 1994, relating to financial transactions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 791**, entitled:

An Act to repeal section 167.161, RSMo Supp. 1995, relating to school hearings, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 971, regarding Christina Rose Louderback, Ash Grove, which was adopted.

Senator Bentley offered Senate Resolution No. 972, regarding Kristin Paul, Springfield, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Mrs. Carla Fee, and her children, Sarah, Danielle and Josh, Cape Girardeau.

Senator House introduced to the Senate, Floyd Dowell and Claude Cox, Troy.

Senator Staples introduced to the Senate, a delegation of senior citizens from around the state.

Senator Maxwell introduced to the Senate, Julie Relford and Conny Dover, Kirksville.

Senator Kenney introduced to the Senate, Gordon Docking, Lee's Summit.

Senator Bentley introduced to the Senate, Barbara Domann and Josie Reborar, Springfield.

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Wayne Morton, Osceola.

Senator Caskey introduced to the Senate, former state Representative Gene Olson, and his wife, Bonnie, Harrisonville.

Senator Mathewson introduced to the Senate, Lieutenant Governor Roger Wilson's wife, Pat, and their children, Erin and Drew, Columbia.

Senator Rohrbach introduced to the Senate, Dr. Michael Young, Jefferson City.

On behalf of Senator Moseley, the President introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Kenney introduced to the Senate, Roberta Roller, Lee's Summit.

Senator Moseley introduced to the Senate, Karen Miller and Linda Vogt, Boone County.

Senator Howard introduced to the Senate, Tammy Allbritton, Russell D. French and Johnny R. Howe, Poplar Bluff.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY--THURSDAY, MARCH 7, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, at the end of today's session we will go our own way for awhile. We pray that You will use this time to rekindle our spirit, refresh our minds and renew our resolve. Bring us back safely with a revived dedication to serve the people of our state. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

Senator Banks moved that the Senate Journal for Wednesday, March 6, 1996, be corrected on Page 381, Column 1, Line 38, by inserting after the word "printed" the following: ", which motion prevailed", which motion prevailed.

The Journal of the previous day was read and approved, as corrected.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Absent with leave--Senators

Bentley	Johnson	Scott	Singleton--4
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The Lieutenant Governor was present.

Senator Mathewson requested unanimous consent of the Senate that the effective date of Senate Rule 102 be delayed until Monday, March 25, 1996, stating that this rule change will require different reporting procedures than those now

required by law and all of those affected by the rule need time to make the changes necessary to accommodate the rule. In addition, the strictness of the rule, and the potentially serious consequences of a violation of the rule, makes it necessary to review the monthly and semi-annual reports so that each member can avoid any violation. We now have no procedure in place to conduct such a review and are unsure how such a review could be implemented. Finally, the Senate must determine how it will enforce the rule when a violation occurs.

For all of these reasons, I request that the enforcement of Rule 102 be postponed for one week, which request was granted.

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 973, regarding the St. Clair Elementary School of the St. Clair R-XIII School District, which was adopted.

Senator Klarich offered Senate Resolution No. 974, regarding Dr. Rodney H. Travis, Ellisville, which was adopted.

Senator Wiggins offered the following resolution:

SENATE RESOLUTION NO. 975

WHEREAS, the Members of the Missouri Senate are deeply saddened to learn of the death of Mrs. Martha Elizabeth Brady, of Kansas City; and

WHEREAS, Mrs. Brady was a native of Nettleton, Missouri, who had lived in Kansas City for many years; and

WHEREAS, Mrs. Brady was married in 1940 to James E. Brady, Sr., who was killed in World War II in 1944 during action in the Battle of the Bulge; and

WHEREAS, Mrs. Brady was a graduate of Park College and had been employed by the United States Social Security System; and

WHEREAS, Mrs. Brady spent many years as a teacher for the Catholic School System and in the Hickman Mills School System; and

WHEREAS, Mrs. Brady was most of all a devoted mother and grandmother in whose heart and love her family always came first;

NOW THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Mrs. Martha Elizabeth Brady, express their appreciation for her lifetime of good citizenship, and extend to her sons, James E. Brady, Jr., Richard L. Brady, family and many friends, most sincere sympathy on her death.

Senator Quick offered Senate Resolution No. 976, regarding Brian Jeffrey Spencer, which was adopted.

Senator Lybyer offered Senate Resolution No. 977, regarding Rosanna K. Backes, Bonnots Mill, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 943**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **SB 756**, with **SCA 1**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 24**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 24, Page 342 of the Senate Journal for Monday, March 4, 1996, Line 9 of column 2, by striking the following: ", and the Missouri Monument Builders Association".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 572** and **SB 643**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Ann Ross, Susanne B. Hoffmann, Conny K. Dover and Reverend Maria-Alma Rainey Copeland, as members of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Julie A. Relford and Gloria Ann Wilson, as members of the Foster and Residential Care Facility Placement Task Force;

Also,

Geniece M. Rush, as a student representative of the Harris-Stowe State College Board of Regents;

Also,

Dennis M. Cory, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Robert C. Smith, as a member of the Administrative Hearing Commission;

Also,

Colonel Robert G. Lowery, Sr., as a member of the Peace Officer Standards and Training Commission;

Also,

George Eberle, Jr., as a member of the Missouri Training and Employment Council;

Also,

Galen R. McPheeters, as a member of the State Soil and Water Districts Commission;

Also,

Diane Marie Baker, Kenneth S. Kranzberg and Avis J. Parman, as members of the State Environmental Improvement and Energy Resources Authority;

Also,

Jerry T. Duval, as a member of the Kansas City Area Transportation Authority;

Also,

Harriet A. Beard and Michael R. Foresman, as members of the Air Conservation Commission of the State of Missouri.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 643** to the Committee on State Budget Control.

CONCURRENT RESOLUTIONS

Senator Howard requested unanimous consent of the Senate to take up **SCR 24**, with **SCA 1**, for adoption, which request was granted.

SCA 1 was taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Howard, **SCR 24**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Johnson	Scott	Sims
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Singleton--5

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1441**, entitled:

An Act to repeal section 302.272, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 941**, entitled:

An Act to repeal section 456.232, RSMo 1994, relating to trusts and trustees, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 773**, entitled:

An Act to repeal section 302.304, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 846** and has taken up and passed **HB 846**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 540**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1001**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1002**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1003**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1004**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Highways and Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the

period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1005**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

THIRD READING OF SENATE BILLS

SB 497, introduced by Senators Russell and Rohrbach, entitled:

An Act relating to planning and zoning in certain counties with a lake with one hundred ten miles of shoreline.

Was taken up by Senator Russell.

On motion of Senator Russell, **SB 497** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Johnson	Scott	Sims
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Singleton--5

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

Senator Staples assumed the Chair.

SB 661, introduced by Senator Howard, entitled:

An Act to amend chapter 252, RSMo 1994, by adding one new section providing for the authority of a conservation investigative assistant.

Was taken up.

On motion of Senator Howard, **SB 661** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senator Lybyer--1

Absent with leave--Senators

Bentley	Johnson	Scott	Sims
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Singleton--5

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SS for **SB 560**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 560

An Act to repeal sections 304.001, 304.155, 304.157 and 304.575, RSMo 1994, and section 301.010, RSMo Supp. 1995, relating to the towing of motor vehicles, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Goode, **SS** for **SB 560** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senator Howard--1

Absent with leave--Senators

Bentley	Johnson	Scott	Sims
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Singleton--5

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 494**, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 494

An Act to repeal sections 473.020, 473.033, 473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360,

473.433, 473.543, 473.657, 473.663, 473.823, 473.840, 474.010, 474.250, 474.260, 474.290, 474.333 and 537.021, RSMo 1994, relating to the administration of estates, and to enact twenty-two new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Caskey, **SS** for **SCS** for **SB 494** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley	Johnson	Scott	Sims
Singleton--5			

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Bentley Johnson Scott Sims
Singleton--5

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 896**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 709**, with **SS**, as amended, (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 709**, as amended, was again taken up.

Senator McKenna offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Bill No. 709, Page 27, Section 130.032, Line 15 of said page, by inserting immediately after said line the following:

"Section 1. No lobbyist or lobbyist principal shall be prohibited from providing a government discount to a public official for travel, lodging, fees or other items if such discount is offered to other government employees and is no greater than the discount provided to such government employees."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Bill No. 709, Page 1, In the Title, Line 6, by striking the words "for a certain section"; and

Further amend said bill, page 27, section B, line 17 of said page, by inserting immediately after the word "campaigns" the following: "and a fair legislative process"; and further on said line, by striking "section 130.032 of"; and further amend line 19 of said page, by striking "section 130.032 of"; and further amend line 21 of said page, by striking "section 130.032 of".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered SA 13, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Bill No. 709, Page 27, Section 130.032, Line 15 of said page, by inserting immediately after said line, the following:

"Section 1. No public official may knowingly accept, directly or indirectly, any items listed in subdivisions (1) to (4) of subsection 1 of section 105.471, or any political contributions as defined in chapter 130, RSMo, from any person or political entity that engages in, sponsors, or otherwise finances any terrorist activities as identified by the United States Department of State."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered SA 14:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Bill No. 709, Page 10, Section 105.955, Line 6 of said page, by inserting immediately after "fund" the following: ";

(11) Forward all of its opinions and decisions to the secretary of state during the month in which such opinions and decisions are issued. Such opinions and decisions shall be published in a special informational section of the Missouri register. Publication of these opinions and decisions shall not be subject to the rulemaking provisions of chapter 536, RSMo"; and

Further amend said bill, page 15, section 105.959, line 15 of said page, by inserting immediately after said line the following:

"105.960. 1. The ethics commission shall establish and maintain, for lobbying reports submitted pursuant to this chapter, an electronic reporting system pursuant to this section for all members of the house of representatives, the senate, state attorney general, state auditor, state treasurer, secretary of state, lieutenant governor, and governor. The system may be used for the collection, filing and dissemination of such reports with the commission. The reports shall be maintained and secured in the electronic format by the commission.

2. Individuals filing reports pursuant to subsection 1 of this section may submit reports in an electronic format as prescribed by the commission or may file a paper copy and enclose payment with the report to cover the commission's cost of converting the paper copy to an electronic format. The cost shall be set by the commission but shall not exceed five dollars for the initial page and one dollar for each subsequent page. The commission shall control the format in which data is received.

3. A copy of all reports filed in the state electronic reporting system shall be available on an electronic access system so that the general public may request copies of the reports filed pursuant to subsection 1 of this section. The access system shall be organized in such a manner to allow an individual to obtain information concerning all reportable expenditures made by lobbyists or lobbyist principals to or on behalf of any and all public officials listed in subsection 1 of this section during a reporting period."; and

Further amend said bill, page 27, section 130.032, line 15 of said page, by inserting immediately after said line the following:

"130.057. 1. The ethics commission may establish for elections in 1996 and shall establish for elections beginning in 1998 and maintain thereafter [a state campaign finance] **an** electronic reporting system pursuant to this section for all candidates for the house of representatives, the senate, state attorney general, state auditor, state treasurer, secretary of state, lieutenant governor, and governor. The system may be used for the collection, filing and dissemination of all reports filed with the commission pursuant to this chapter. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

2. Beginning with the primary and general elections in 1996, candidates may file reports in an electronic format as prescribed by the commission or may file a paper copy and enclose payment with the report to cover the commission's cost of converting the paper copy to an electronic format. The cost shall be set by the commission but shall not exceed five dollars for the initial page and one dollar for each subsequent page. The commission shall control the format in which data is received [in an electronic format].

3. The commission [may] **shall** prepare a proposal detailing the requirements of the system, in consultation with the general assembly, and may contract with the lowest and best bidder for the system in the manner prescribed by law for awarding contracts to private parties. The proposal shall include, but not be limited to, and the electronic system shall [require] **provide for**, the manner of access, including identification and password requirements, to reports placed on an electronic **access** system [mentioned in] **developed pursuant to** subsection 4 of this section and the manner of [record keeping of] **recording** the names of those individuals [or other persons] accessing [the] **such** electronic **access** system [mentioned in subsection 4 of this section].

4. A copy of all reports filed in the state [campaign finance] electronic reporting system [may] **shall** be [placed] **available** on [a public] **an** electronic access system so that **members of** the general public may [have open access to the] **request copies of** reports filed pursuant to this chapter. **The access system shall be organized in such a manner to allow an individual to obtain information concerning all contributions made by an individual, lobbyist, corporation or other entity to any and all candidates and candidate committees during a reporting period.**"; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Quick assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SPA 1** to **SA 14**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 14

Amend Senate Amendment No. 14 to Senate Substitute for Senate Bill No. 709, Page 1, Section 105.960, Line 18, by striking "electronic" and inserting in lieu thereof "machine readable"; and

Further amend said bill, line 21 by striking "an electronic" and inserting in lieu thereof the following: "a machine readable"; and

Further amend said bill, page 2, line 3 by striking "an electronic" and inserting in lieu thereof the following: "a machine readable"; and

Further amend said amendment page 4, line 1, section 130.057 by adding before "information" the following: "machine readable".

Senator Flotron moved that the above perfecting amendment be adopted.

At the request of Senator Flotron, the above perfecting amendment was withdrawn.

At the request of Senator Schneider, **SA 14** was withdrawn.

Senator Schneider offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Bill No. 709, Page 10, Section 105.955, Line 6 of said page, by inserting immediately after "fund" the following: ";

(11) Forward all of its opinions and decisions to the secretary of state during the month in which such opinions and decisions are issued. Such opinions and decisions shall be published in a special informational section of the Missouri register."; and

Further amend said bill, page 15, section 105.959, line 15 of said page, by inserting immediately after said line the following:

"105.960. 1. The ethics commission shall establish and maintain, for lobbying reports submitted pursuant to this chapter, an electronic reporting system pursuant to this section for all members of the house of representatives, the senate, state attorney general, state auditor, state treasurer, secretary of state, lieutenant governor, and governor. The system may be used for the collection, filing and dissemination of such reports with the commission. The reports shall be maintained and secured in the electronic machine readable format by the commission.

2. Individuals filing reports pursuant to subsection 1 of this section may submit reports in an electronic format as prescribed by the commission or may file a paper copy and enclose payment with the report to cover the commission's cost of converting the paper copy to an electronic machine readable format. The cost shall be set by the commission but shall not exceed five dollars for the initial page and one dollar for each subsequent page. The commission shall control the format in which data is received.

3. A copy of all reports filed in the state electronic reporting system shall be available on an electronic access system so that the general public may request copies of the reports filed pursuant to subsection 1 of this section. The access system shall be organized in such a manner to allow an individual to obtain information concerning all reportable expenditures made by lobbyists or lobbyist principals to or on behalf of any and all public officials listed in subsection 1 of this section during a reporting period."; and

Further amend said bill, page 27, section 130.032, line 15 of said page, by inserting immediately after said line the following:

"130.057. 1. The ethics commission may establish for elections in 1996 and shall establish for elections beginning in 1998 and maintain thereafter [a state campaign finance] an electronic reporting system pursuant to this section for all candidates for the house of representatives, the senate, state attorney general, state auditor, state treasurer, secretary of state, lieutenant governor, and governor. The system may be used for the collection, filing and dissemination of all reports filed with the commission pursuant to this chapter. The system may be established and used for all reports required to be filed for the primary and general elections in 1996 and all elections thereafter, except that the system may require maintenance of a paper backup system for the primary and general elections in 1996. The reports shall be maintained and secured in the electronic format by the commission.

2. Beginning with the primary and general elections in 1996, candidates may file reports in an electronic format as

prescribed by the commission or may file a paper copy and enclose payment with the report to cover the commission's cost of converting the paper copy to an electronic format. The cost shall be set by the commission but shall not exceed five dollars for the initial page and one dollar for each subsequent page. The commission shall control the format in which data is received [in an electronic format].

3. The commission [may] **shall** prepare a proposal detailing the requirements of the system, in consultation with the general assembly, and may contract with the lowest and best bidder for the system in the manner prescribed by law for awarding contracts to private parties. The proposal shall include, but not be limited to, and the electronic system shall [require] **provide for**, the manner of access, including identification and password requirements, to reports placed on an electronic **access** system [mentioned in] **developed pursuant to** subsection 4 of this section and the manner of [record keeping of] **recording** the names of those individuals [or other persons] accessing [the] **such** electronic **access** system [mentioned in subsection 4 of this section].

4. A copy of all reports filed in the state [campaign finance] electronic reporting system [may] **shall** be [placed] **available** on [a public] **an** electronic access system so that **members of** the general public may [have open access to the] **request copies of** reports filed pursuant to this chapter. **The access system shall be organized in such a manner to allow an individual to obtain information concerning all contributions made by an individual, lobbyist, corporation or other entity to any and all candidates and candidate committees during a reporting period in a form that will include an electronic machine readable format."**; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Maxwell moved that **SS** for **SB 709**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 709**, as amended, was declared perfected and ordered printed.

President Pro Tem Mathewson assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 846** and **CCS** for **SS No. 2** for **SS** for **HB 1047**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MISCELLANEOUS

Senator Mathewson submitted the following:

MISSOURI SENATE

Jefferson City, Missouri

March 7, 1996

Senator Bill McKenna

Room 321, State Capitol

Jefferson City, MO 65101

Dear Senator McKenna:

Pursuant to Section 197.310, it is my pleasure to hereby appoint you to the Health Facilities Review Board. Your appointment fills the vacancy on the Committee which was created by the resignation of Senator Ted House. This appointment is for your current legislative term.

Your willingness to serve the people of Missouri on this important board is appreciated.

Sincerely,

/s/ Jim

James L. Mathewson

President Pro Tem

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 978, regarding Lee Hunt, Kansas City, which was adopted.

Senator Klarich offered Senate Resolution No. 979, regarding Ashley King, Washington County, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCS** for **SCR 21**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 992**, entitled:

An Act to repeal section 454.360, RSMo 1994, relating to enforcement of support law, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st Time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 974**, entitled:

An Act to repeal sections 557.036, 558.018, 558.021, 559.115, 566.010, 566.030, 566.034, 566.060 and 589.015, RSMo 1994, relating to sex offenders, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **SB 952**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **SB 949**, begs leave to report that it has

considered the same and recommends that the bill do pass.

Senator Quick resumed the Chair.

At the request of Senator Banks, the Senate recessed for five minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Quick.

INTRODUCTIONS OF GUESTS

On behalf of Senator Ehlmann, the President introduced to the Senate, Senator Ehlmann's son, Brendan, St. Charles.

Senator Maxwell introduced to the Senate, members of the Community R-VI Lady Trojan Softball Team, Lyndel R. Whittle, Crystal L. Spears, Krista Borgmeyer, Mandy Riechers, Melissa Curtis, Deanna Robynett, Lucy Davidson, Sarah Curtis, Julie Giesecker, Renee Kesler, Alisha Pound, Kara Wieberg, Sheila Fennewald, Kerrie Wohlbold, Audrey Smith, Ronda Austill, Amy Welch and Melissa Giesecker, Laddonia.

Senator Graves introduced to the Senate, members of the Chillicothe Chamber of Commerce.

Senator Moseley introduced to the Senate, the Physician of the Day, Dr. George Prica and Dr. Michael Murrah, Columbia.

Senator Melton introduced to the Senate, Gary Hill, Kurt Stumpff, Amy Johnson, and forty eighth grade students from Galena High School, Galena; and Andi Hill and Casey Shirkey were made honorary pages.

Senator House introduced to the Senate, Claire Cook, and one hundred twenty fourth grade students from Wright City Elementary School, Wright City.

On motion of Senator Banks, the Senate adjourned until 10:00 a.m., Tuesday, March 12, 1996.

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY--TUESDAY, MARCH 12, 1996

The Senate met pursuant to adjournment.

Senator Rohrbach in the Chair.

RESOLUTIONS

On behalf of Senator Melton, Senator Rohrbach offered Senate Resolution No. 980, regarding the Sixtieth Wedding Anniversary of Hobert and Maxine Ledbetter, Theodosia, which was adopted.

On behalf of Senator Banks, Senator Rohrbach offered Senate Resolution No. 981, regarding the death of Mr. Frederick N. Weathers, St. Louis, which was adopted.

On behalf of Senator Clay, Senator Rohrbach offered Senate Resolution No. 982, regarding the Tenth Anniversary of the Make-A- Wish Foundation of Metro St. Louis, Inc., which was adopted.

On motion of Senator Rohrbach, the Senate adjourned until 4:00 p.m., Monday, March 18, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY--MONDAY, MARCH 18, 1996

The Senate met pursuant to adjournment.

President Wilson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Peter and John told a man born lame, "Silver and gold have I none, but such as I have I give thee." We recognize that all of life's needs cannot be met with silver and gold. We also know the futility of trying to meet needs without money. Help us to use possessions wisely and to also give of ourselves. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journals for Thursday, March 7, 1996, and Tuesday, March 12, 1996, were read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Johnson Scott--2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 983, regarding Bill Putnam, Jr., Carthage, which was adopted.

Senator Singleton offered Senate Resolution No. 984, regarding Wendy Christensen, Carthage, which was adopted.

Senator Schneider offered Senate Resolution No. 985, regarding Woodrow W. (Woody) Meyer, Florissant, which was adopted.

Senator Curls offered Senate Resolution No. 986, regarding Sister Jemima Byrd, which was adopted.

Senator Clay offered Senate Resolution No. 987, regarding the Regional Foreign Policy Forum on Africa, which was adopted.

Senator Caskey offered Senate Resolution No. 988, regarding Sergeant Kevin Jones, USMC, which was adopted.

Senator Caskey offered Senate Resolution No. 989, regarding SPC Michael D. Payne, USAR, which was adopted.

Senator Rohrbach offered Senate Resolution No. 990, regarding Harry F. Lauf, Jefferson City, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 501** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 501, Page 7, Section 105.955, Line 220 by striking the ";" after the word "necessary" and inserting in lieu thereof the following: "**provided such legal counsel, either employed or contracted, does not represent the Missouri Ethics Commission or other state agency before the courts or other agencies of this state. Nothing in this section shall limit the authority of the Missouri Ethics Commission as provided for in subsection 2 of section 105.961, RSMo**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 501**, as amended, was declared perfected and ordered printed.

SB 479 was placed on the Informal Calendar.

Senator Mathewson moved that **SB 837** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 837** was declared perfected and ordered printed.

Senator Staples assumed the Chair.

Senator Mueller moved that **SJR 31**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SJR 31**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 31

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article V of the Constitution of Missouri, relating to the practice of law, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

Senator Mueller moved that **SCS** for **SJR 31** be adopted, which motion prevailed.

On motion of Senator Mueller, **SCS** for **SJR 31** was declared perfected and ordered printed.

Senator Mueller moved that **SB 683** be taken up for perfection, which motion prevailed.

On motion of Senator Mueller, **SB 683** was declared perfected and ordered printed.

Senator Goode moved that **SB 773** be taken up for perfection, which motion prevailed.

Senator Westfall offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 773, Page 3, Section 36.030, Line 6 by inserting immediately after "health," the following:
"the department of agriculture, the department of revenue,".

Senator Westfall moved that the above amendment be adopted.

Senator Howard assumed the Chair.

Senator Staples requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Caskey, Russell, Sims and Westfall.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Bentley	Ehlmann	Kenney	Klarich
Mueller	Russell	Sims	Singleton
Treppler	Westfall	Wiggins--11	

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	Graves	House
Howard	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Rohrbach	Staples--19	

Absent--Senators

Flotron	Schneider--2
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Absent with leave--Senators

Johnson	Scott--2
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On motion of Senator Goode, **SB 773** was declared perfected and ordered printed.

Senator Quick moved that **SB 654**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Quick moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

At the request of Senator Quick, **SB 654**, with **SCA 2** (pending), was placed on the Informal Calendar.

Senator Banks moved that **SB 488**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SS** for **SB 488**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 488

An Act to repeal sections 43.540, 210.150, 210.245 and 610.120, RSMo 1994, and section 210.221, RSMo Supp. 1995, relating to the care or supervision of children, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Senator Banks moved that **SS** for **SB 488** be adopted.

At the request of Senator Banks, **SB 488**, with **SS** (pending), was placed on the Informal Calendar.

Senator Moseley moved that **SB 722**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to repeal sections 43.506, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.540, 302.541, 479.040, 577.001, 577.012, 577.037, 577.039, 577.041, 577.048, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171 and 302.302, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Moseley moved that **SCS** for **SB 722** be adopted.

Senator Moseley offered **SS** for **SCS** for **SB 722**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to repeal sections 43.506, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.540, 302.541, 479.040, 577.001, 577.012, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171 and 302.302, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-three new sections relating to the same subject, with penalty provisions.

Senator Moseley moved that **SS** for **SCS** for **SB 722** be adopted.

Senator Howard resumed the Chair.

At the request of Senator Moseley, **SB 722**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Wiggins resumed the Chair.

Senator Quick moved that **SB 654**, with **SCA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCA 2 was again taken up.

Senator Quick moved that the above amendment be adopted, which motion failed.

Senator Quick offered **SS** for **SB 654**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 654

An Act to repeal section 313.820, RSMo 1994, relating to admission fees on excursion gambling boats, and to enact one new section relating to the same subject.

Senator Quick moved that **SS** for **SB 654** be adopted.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 654, Page 3, Section 313.820, after the last line of the bill, by inserting immediately after said line, the following:

"313.844. When credit is extended on an excursion gambling boat, as defined in section 313.800, RSMo, through an automated device or machine that processes financial transactions and when an access fee, sometimes called a surcharge, is paid directly by the customer accessing the device or machine, the device or machine shall be programmed to:

(1) Disclose both the access fee and that the customer may have agreed to additional fees from the card issuing entity; and

(2) After disclosure, allow the customer to cancel the transaction without incurring any fee."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 654, Page 1, In the Title, Line 2 by striking the following: "admission fees on"; and further amend line 3, by striking "one new section" and inserting in lieu thereof "two new sections"; and

Further amend said bill, page 1, section A, line 1-2, by striking "one new section" and inserting in lieu thereof "two new sections"; and further amend line 2, by striking "section 313.820" and inserting in lieu thereof "sections 313.820 and 1"; and

Further amend said bill, page 2, section 313.820, line 38, by inserting immediately after said line the following:

"Section 1. No person, bank, bank holding company, trust company, partnership, association, corporation or other legal entity may establish, maintain or operate an automated device that processes financial transactions which involve credit cards on an excursion gambling boat. For purposes of this section, the term "credit card" shall be as defined in the Consumer Credit Protection Act, 15 U.S.C. Section 1602(k), and the term "excursion gambling boat" shall be as defined in section 313.800, RSMo."

Senator DePasco moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 2** is out of order in that the amendment attempts to amend previously amended material.

The point of order was referred to the President Pro Tem, who took it under advisement, placing the bill on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SB 709**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 540**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 7, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Elise Crain, Republican, 1007 Amy Lane, Ozark, Christian County, Missouri 65721, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2000, and until her successor is duly appointed and qualified; vice, Diana Fields, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 7, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lawrence Myles Gerstein, D.C., 820 Camp Street, Washington, Franklin County, Missouri 63090, as a member of the State Board of Chiropractic Examiners, for a term ending January 1, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 7, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan Lee Pentlin, Ph.D., Democrat, 520 Grover Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2000, and until her successor is duly appointed and qualified; vice, Katherine Peerson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dorothy B. McGuffin, LPC, NCC, 1821 Lakemont Lane, Spanish Lake, St. Louis County, Missouri 63138, as a member of the Missouri State Committee for Professional Counselors, for a term ending August 28, 1999, and until her successor is duly appointed and qualified; vice, John H. Bell, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 8, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David M. Millin, ASA, 4608 Crysler, Independence, Jackson County, Missouri 64055, as a member of the Real Estate Appraisers Commission, for a term ending September 12, 2000, and until his successor is duly appointed and qualified; vice, James T. Job, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 13, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Teri Loney, Democrat, Route 3 Box 6E, Oakwood Estates, Nevada, Vernon County, Missouri 64772, as a member of the State Committee of Marital and Family Therapists, for a term ending March 13, 2000, and until her successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1006**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Conservation, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1007**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

At the request of Senator Lybyer, the pending point of order on **SA 1** to **SS** for **SCS** for **SBs 795, 542 and 563** was withdrawn.

At the request of Senator Ehlmann, **SA 1** was withdrawn.

At the request of Senator Maxwell, **SB 795, SB 542 and SB 563**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 973--Judiciary.

SB 974--Appropriations.

SB 975--Judiciary.

SB 976--Interstate Cooperation.

SB 977--Public Health and Welfare.

SB 978--Education.

SB 979--Financial and Governmental Operations.

SB 980--Appropriations.

SJR 41--Judiciary.

President Pro Tem Mathewson assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **SB 540**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 991, regarding Harold J. Schaffer, Holts Summit, which was adopted.

Senator Bentley offered Senate Resolution No. 992, regarding "Take Our Daughters To Work Day", which was adopted.

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, the Physician of the Day, Dr. William Kimlinger, M.D., Jefferson City.

Senator Klarich introduced to the Senate, Girl Scout Troop #3828 from Holy Infant School, Ballwin.

Senator Sims introduced to the Senate, her husband, Dr. William A. Sims, Jr., St. Louis County; her daughter, Molly Sims, St. Louis; and her grandson, Patrick Duff, Washington, D.C.; and Patrick was made an honorary page.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY--TUESDAY, MARCH 19, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, help us to never forget that we are sons and daughters of God, that we have resources available to us that You have promised for the asking and as Your children we should never behave in a manner unbecoming of a child of God. Most of all we give thanks that when we fail, You still love us as dear children. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 993, regarding the Seventy- fifth Birthday of Judge James J. Wheeler, Keytesville, which was adopted.

Senator Staples offered Senate Resolution No. 994, regarding Raymond V. Arnold, Past Grand Exalted Ruler of the Benevolent and Protective Order of the Elks of the USA, which was adopted.

Senator Staples offered Senate Resolution No. 995, regarding Wilford (Bill) Haskins, Lake Ozark, which was adopted.

Senator Clay offered Senate Resolution No. 996, regarding Delores C. Thompson, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 722**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 722** was again taken up.

Senator Westfall offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 46, Section 577.525, Line 11 by inserting immediately after said line the following:

"610.127. A first revocation of a driver's license of any person who is stopped for driving with two-hundredths of one percent or more blood alcohol content shall be expunged by the department of revenue if the person is not convicted of any "intoxication-related traffic offense" pursuant to sections 577.010 and 577.023, RSMo, before the age of twenty-one."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 37, Section 577.012, Line 10 by inserting immediately after said line the following:

"565.024. 1. A person commits the crime of involuntary manslaughter if he:

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state [and, when so operating, acts with criminal negligence to cause] **causing** the death of any person.

2. Involuntary manslaughter is a class C felony.";

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SPA 1** to **SA 2**, which was read:

SENATE PERFECTING AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 1, Section 565.024, Line 7, by inserting after the word "causing", the following: "an accident that results in".

Senator Ehlmann moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Ehlmann moved that **SA 2**, as amended, be adopted, which motion failed on a standing division vote.

At the request of Senator Moseley, **SB 722**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

At the request of Senator DePasco, **SA 2** to **SS** for **SB 654** was withdrawn, rendering the pending point of order moot.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Howard moved that the vote by which **SA 1** to **SS** for **SB 654** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senator Kinder--1

Absent--Senators

Graves House--2

Absent with leave--Senator Staples--1

At the request of Senator Howard, **SA 1** was withdrawn.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section A, Line 3, by inserting immediately after said line, the following:

"313.805. The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

(1) To investigate applicants and determine the priority and eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Missouri;

(2) To license the operators of excursion gambling boats and operators of gambling games within such boats, to identify occupations within the excursion gambling boat operations which require licensing, and adopt standards for licensing the occupations including establishing fees for the occupational licenses and to license suppliers;

(3) To adopt standards under which all excursion gambling boat operations shall be held and standards for the facilities within which the gambling operations are to be held, **except that the commission shall allow passengers to board the excursion gambling boats at any time while such boats are docked for the remaining balance of any cruising period.** Notwithstanding the provisions of chapter 311, RSMo, to the contrary, the commission may authorize the operation of gambling games on an excursion gambling boat which is also licensed to sell or serve alcoholic beverages, wine, or beer. The commission shall regulate the wagering structure for gambling excursions including providing a maximum loss of five hundred dollars per individual player per gambling excursion;

(4) To enter the premises of excursion gambling boats, facilities, or other places of business of a licensee within this state to determine compliance with sections 313.800 to 313.850;

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures under this section shall be enforced as provided under sections 513.600 to 513.645, RSMo;

(7) To require a licensee, an employee of a licensee or holder of an occupational license to remove a person violating a provision of sections 313.800 to 313.850 or the commission rules, orders, or final orders, or other person deemed to be undesirable from the excursion gambling boat or adjacent facilities;

(8) To require the removal from the premises of a licensee, an employee of a licensee, or a holder of an occupational license for a violation of sections 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

(9) To require all licensees to file all financial reports required by rules and regulations of the commission;

(10) To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other pertinent documents, and to administer oaths and affirmations to the witnesses, when, in the judgment of the commission, it is necessary to enforce sections 313.800 to 313.850 or the commission rules;

(11) To keep accurate and complete records of its proceedings and to certify the records as may be appropriate;

(12) To ensure that the gambling games are conducted fairly. No gambling device shall be set to pay out less than eighty percent of all wagers;

(13) To require all licensees of gambling game operations to use a cashless wagering system whereby all players' money is converted to tokens, electronic cards, or chips which only can be used for wagering on the excursion gambling boat;

(14) Determine which of the authorized gambling games will be permitted on any licensed excursion gambling boat;

(15) Excursion gambling boats shall cruise, unless the commission finds that the best interest of Missouri and the safety of the public indicate the need for continuous docking of the excursion gambling boat in any city or county authorized under subsection 10 of section 313.812. The commission shall base its decision to allow continuously docked excursion gambling boats on any of the following criteria: the docking location or the excursion cruise could cause danger to the boat's passengers, violate federal law or the law of another state, or cause disruption of interstate commerce or possible interference with railway or barge transportation. In addition, the commission shall consider economic feasibility or impact that would benefit land-based development and permanent job creation. The commission shall not discriminate among applicants for continuous docking excursion gambling that are similarly situated with respect to the criteria set forth in this section;

(16) The commission shall render a finding concerning the possibility of continuous docking, as described in subdivision (15) of this section, within thirty days after a hearing on any request from an applicant or licensee. Such hearing may be held prior to any final action on licensing to assist an applicant and any city or county in the finalizing of their economic development plan;

(17) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope of the intent of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 654, Page 1, In the Title, Line 3, by striking the words "admission fees on"; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line, the following:

"313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, RSMo, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.100, RSMo, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission; **provided, however, that no officers of the highway patrol shall be assigned duties which are not consistent with section 43.025, RSMo, on any excursion gambling boat.** No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any

statute. **Any member of the highway patrol who is no longer assigned duties under an agreement with the commission shall not be included, until August 28, 2000, against the personnel cap established by section 43.050, RSMo.** Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class D felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 4** is out of order in that the amendment is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section 313.820, Line 6, by placing an opening bracket "[" after the word "county"; and further amend said bill, said section, line 8, by placing a closing bracket "]" after the comma ",".

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Quick, **SB 654**, with **SS** and **SA 5** (pending), was placed on the Informal Calendar.

BILL REFERRALS

President Pro Tem Mathewson referred **SS** for **SB 709** to the Committee on State Budget Control.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HJR 40--Aging, Families and Mental Health.

HCS for **HBs 904, 788** and **966**--Public Health and Welfare.

HB 1208--Financial and Governmental Operations.

HB 1098--Ways and Means.

HCS for **HB 1146**--Financial and Governmental Operations.

HCS for **HB 849**--Civil and Criminal Jurisprudence.

HB 905--Aging, Families and Mental Health.

HS for **HB 879**--Agriculture and Local Government.

HCS for **HB 895**--Education.

HCS for **HBs 844** and **1059**--Insurance and Housing.

HB 1041--Conservation, Parks and Tourism.

HCS for **HB 781**--Aging, Families and Mental Health.

HB 1313--Labor and Industrial Relations.

HCS for **HB 991**--Transportation.

HCS for **HB 818**--Civil and Criminal Jurisprudence.

HB 1177--Appropriations.

HS for HCS for HBs 1069, 794, 807, 936, 1128, 1153 and 1202--Insurance and Housing.

HB 986--Education.

HB 1244--Appropriations.

HB 1097--Public Health and Welfare.

HB 1541--Elections, Pensions and Veterans' Affairs.

HB 1217--Insurance and Housing.

HB 1379--Financial and Governmental Operations.

HB 1404--Elections, Pensions and Veterans' Affairs.

HB 1469--Financial and Governmental Operations.

HB 979--Insurance and Housing.

HB 823--Education.

HB 937--Transportation.

HB 1400--Financial and Governmental Operations.

HCS for HB 1001--Appropriations.

HCS for HB 1002--Appropriations.

HCS for HB 1003--Appropriations.

HCS for HB 1004--Appropriations.

HCS for HB 1005--Appropriations.

HCS for HB 1006--Appropriations.

HCS for HB 1007--Appropriations.

RESOLUTIONS

Senator Goode offered Senate Resolution No. 997, regarding Ruby Joyce Little, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 907 and 910**, entitled:

An Act to repeal sections 193.265, 333.041, 436.005, 436.007, 436.015, 436.021, 436.027, 436.031, 436.035, 436.038, 436.053, 436.055, 436.061, 436.067, and 436.069, RSMo 1994, relating to funerals and funeral directors, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1008**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1009**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1010**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

BILLS DELIVERED TO THE GOVERNOR

SCS for **SB 540**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

On motion of Senator Caskey, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Melton offered Senate Resolution No. 998, regarding the Ninetieth Birthday of Eva Mae Jones, Branson,

which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SJR 31**; **SB 501**; **SB 683**; **SB 773**; and **SB 837**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 654**, with **SS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Schneider, **SA 5** was withdrawn.

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section A, Line 3 of said section, by inserting immediately after said line, the following:

"116.023. Any ballot measure approved by the voters, whether by initiative petition or referendum, shall be resubmitted to the same voters for approval if amended or repealed at any time by the general assembly following initial voter approval of the state-wide ballot measure. No statute so amended or repealed by the general assembly shall take effect until the voters have by affirmative vote approved the amendments made by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 6** is out of order in that the amendment goes beyond the scope and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section A, Line 3 of said section, by inserting immediately after said line, the following:

"116.023. Any ballot measure relating to excursion gambling boats which is approved by the voters, whether by initiative petition or referendum, shall be resubmitted to the same voters for approval if amended or repealed at any time by the general assembly following initial voter approval of the state-wide ballot measure. No statute so amended or repealed by the general assembly shall take effect until the voters have by affirmative vote approved the amendments made by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 7** is out of order in that the amendment goes beyond the scope and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section A, Line 3 of said section, by inserting immediately after said line, the following:

"116.023. Any ballot measure relating to admissions to excursion gambling boats which is approved by the voters, whether by initiative petition or referendum, shall be resubmitted to the same voters for approval if amended or repealed at any time by the general assembly following initial voter approval of the state-wide ballot measure. No statute so amended or repealed by the general assembly shall take effect until the voters have by affirmative vote approved the amendments made by the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Quick raised the point of order that **SA 8** is out of order in that the amendment goes beyond the scope and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Schneider offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section 313.820, Line 6 of said section, by striking the word "containing" and further by striking all of line 7 and further by striking the word "thousand," from line 8; and

Further amend line 13, by inserting immediately after the word "city" the following: **", if any,"**; and further on line 13, by striking the words "twenty-five cents" and inserting in lieu thereof the following: **"the remainder"**.

Senator Schneider moved that the above amendment be adopted.

Senator Mueller offered **SSA 1** for **SA 9**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 654, Page 1, Section 313.820, Line 6 of said section, by striking the word "containing"; and further by striking all of line 7; and further by striking the word "thousand," from line 8; and further amend line 9, by striking "twenty-five" and inserting in lieu thereof the following: **"fifty"**; and further amend line 11, by striking "twenty-five" and inserting in lieu thereof the following: **"fifty"**; and further amend line 13, by striking "city and" and inserting in lieu thereof a comma ","; and further amend line 14, by inserting immediately after "fund" the following: **"and twenty- five cents of such fee shall be paid to the municipality's excluding the home dock which are located within such county based on each municipality's population versus the population of the county as a whole"**.

Senator Mueller moved that the above substitute amendment be adopted.

At the request of Senator Quick, **SB 654**, with **SS**, **SA 9** and **SSA 1** for **SA 9** (pending), was placed on the Informal Calendar.

Senator Moseley moved that **SB 722**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Moseley offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 27, Section 302.510, Line 6 of said page, by striking the word "ten-hundredths" and inserting in lieu thereof the word "**two-hundredths**".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 20, Section 302.304, Line 2 of said page, by inserting immediately after "assessment." the following: "**Such assessment and compliance with the court determination or failure of the court to make a determination within five days of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle.**"; and

Further amend said bill, page 32, section 302.540, line 23 of said page, by inserting immediately after "assessment." the following: "**Such assessment and compliance with the court determination or failure of the court to make a determination within five days of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle.**"; and

Further amend said bill, page 42, section 577.041, line 21 of said page, by inserting immediately after "assessment." the following: "**Such assessment and compliance with the court determination or failure of the court to make a determination within five days of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle.**".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Moseley moved that **SS** for **SCS** for **SB 722**, as amended, be adopted, which motion prevailed.

On motion of Senator Moseley, **SS** for **SCS** for **SB 722**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 795**, **SB 542** and **SB 563**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 795**, **542** and **563** was again taken up.

Senator Westfall offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate - Bills Nos. 795, 542 and 563, Page 2, Section 137.073, Lines 3-4 of said page, by striking the following from said lines: "and until but not including the 1997-98 school year"; and further on line 6 of said page, by inserting immediately after "RSMo," the following: "**less all adjustments required pursuant to article X, section 22 of the Missouri constitution,**"; and

Further amend said bill, page 22, section 163.021, lines 17-18 of said page, by striking the following from said lines: "until but not including the 1997-98 school year,"; and further on line 19 of said page, by inserting immediately after the word "subsection" the following: "**less all adjustments required pursuant to article X, section 22 of the Missouri constitution**".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate - Bills Nos. 795, 542 and 563, Page 5, Section 137.073, Line 23 of said page, by inserting immediately after "property" the following: ", **but shall not include that portion of the increase in valuation of personal property for the current year over that of the previous year which exceeds the increase in the consumer price index**"; and

Further amend said bill and section, page 6, line 14 of said page, by inserting immediately after "property" the following: "; **except that such personal property factor shall not exceed the increase in the consumer price index**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 795, 542 and 563**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **SBs 795, 542 and 563**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SB 743**, with **SCS**, **SS** for **SCS**, **SA 1**, and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Schneider moved that the above substitute amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 743, Page 2, Section 376.1100, Line 14, by inserting after the word "court" the following: "and the insured's legal representative"; and further amend said section on page 2, line 14, by adding after the word "section" the following: "and failure to do so shall relieve the insured's legal representative of any liability to the insured's insurer".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Curls, **SB 743**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator Wiggins resumed the Chair.

Senator Johnson moved that **SB 802** be taken up for perfection, which motion prevailed.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 802, Page 1, In the Title, Lines 2-3, by striking said lines and inserting in lieu thereof the following: "To repeal section 105.950, RSMo 1994, relating to benefits for public officers and employees, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, page 1, section A, lines 1-2, by striking said lines and inserting in lieu thereof the following:

"Section A. Section 105.950, RSMo 1994, is repealed and two new sections enacted in lieu thereof to be known as section 105.202 and 105.950, to read as follows:"; and

Further amend said bill, page 2, section 105.202, line 18, by inserting immediately after said line, the following:

"105.950. 1. The commissioner of administration and the director of the department of revenue shall each receive an annual salary of sixty-five thousand dollars. The director of the department of social services shall receive an annual salary of sixty thousand dollars, **or such amount in excess thereof as appropriated**. The directors of the departments of agriculture; economic development; corrections; labor and industrial relations; natural resources; and public safety shall each receive an annual salary of fifty-seven thousand five hundred dollars.

2. Each of the above salaries shall be increased by any salary adjustment provided pursuant to the provisions of section 105.005."

Senator Lybyer moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Moseley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 802, Page 1, Section 105.202, Line 18, by inserting immediately after said line the following:

"174.800. 1. The general assembly hereby finds that it is important for the regional colleges and universities to be able to attract and retain the most qualified faculty and staff to enhance the educational, service and research responsibilities of the institutions, and that in order to attract and retain such employees, the institutions of higher education should have maximum flexibility to provide an alternative retirement program under which annuity contracts, either fixed or variable or a combination thereof, providing retirement and death benefits may be purchased for eligible employees of the system.

2. As used in sections 174.800 to 174.815, the term "institutions" shall mean Truman State University, Northwest Missouri State University, Southeast Missouri State University, Southwest Missouri State University, Central Missouri State University, Harris-Stowe State College, Lincoln University, Missouri Western State College, and Missouri Southern State College.

174.805. 1. The provisions of chapter 104, RSMo, to the contrary notwithstanding, each institution may establish an optional retirement program to the Missouri state employees' retirement system through which annuity contracts, either fixed or variable or a combination thereof, providing retirement and death benefits will be purchased for and become the property of the eligible employees of each institution. All full-time teaching and certain administrative personnel of each institution described in section 174.800 shall be eligible employees for purposes of participating in the optional retirement plan. Eligible administrative personnel shall be limited to those administrators who hold faculty-level appointments or who have policy-making responsibilities.

2. Each institution which chooses to establish an optional retirement program shall:

(1) Provide for the administration of the program;

(2) Designate at least two but not more than three companies to which payment of such contributions may be made, taking into consideration:

(a) The nature and extent of the rights and benefits to be provided by such contracts for electing employees and their beneficiaries;

(b) The relation of such rights and benefits to the amount of the contributions to be made pursuant to sections 174.800 to 174.815;

(c) The suitability of such rights and benefits to the needs and interests of electing employees and their employing institutions;

(d) The ability and experience of the designated companies in providing contracts meeting the criteria of paragraphs (a) through (e) of subdivision (2) of this subsection; and

(e) The efficacy of the contracts in the recruitment and retention of faculty and administrators.

174.807. 1. All eligible employees of the institution may elect to participate in the optional retirement program as of the date of their employment.

2. Elections to participate in the optional retirement program shall be made as follows:

(1) Eligible employees initially appointed on or after the effective date of the establishment of this optional retirement program shall elect, within sixty days after their employment commences:

(a) To join the Missouri state employees' retirement system in accordance with the provisions of chapter 104, RSMo; or

(b) To participate in the optional retirement program established pursuant to sections 174.800 to 174.815;

(2) Eligible employees who are members of the Missouri state employees' retirement system and who were initially appointed to an eligible position subsequent to the effective date of the establishment of the optional retirement program may elect to participate in the optional retirement program in lieu of remaining members of the Missouri state employees' retirement system. This election shall be in writing and must be filed with the institution no later than sixty days after the effective date of the appointment to any eligible position. The election shall constitute a waiver of all rights and benefits for employees who are not vested at the time they terminate participation in Missouri state employees' retirement system. Employees who are vested in the Missouri state employees' retirement system at the time they terminate participation shall not forfeit their vested benefits;

(3) Any member of the Missouri state employees' retirement system who is appointed subsequent to the effective date of this act to a position for which the optional retirement program is available may elect to participate in the optional retirement plan in the same manner and subject to the same conditions as provided in subdivision (2) of subsection 2 of this section, except that the election provided for subdivision (2) of subsection 2 of this section shall be made within sixty days of the effective date of the appointment to the eligible position.

3. An election pursuant to this subsection 2 of this section shall be:

(1) In writing and filed with the institution in the manner prescribed by the institution;

(2) Accompanied by an appropriate application, where required, for the issuance of a contract or contracts under the program; and

(3) Irrevocable as long as the person is employed in any eligible position by the institution.

4. Any eligible employee electing to participate in the optional retirement program shall be ineligible for membership in the Missouri state employees' retirement system. In the event an optional retirement program participant assumes a position in public service for which the optional retirement program is not available, or the optional retirement program is terminated at any time, participants shall be automatically enrolled in the Missouri state employees' retirement system from the date on which participation terminates in the optional retirement program and shall receive no service credit, except for vesting purposes, in the Missouri state employees' retirement system for the years in which they participated in the optional retirement program.

174.810. 1. The employer contribution rate shall equal seven percent of salary for each participating employee.

2. The employee contribution shall be three percent of salary and shall be made on a before-tax basis under section 414(h) of the Internal Revenue Code of 1986, as amended.

3. Each employer shall continue to contribute to the unfunded liability of the Missouri state employees' retirement system. This amount designated for the unfunded liability shall be the same as the percentage of salary contribution for the unfunded liability for employees participating in the Missouri state employees' retirement system, but no greater than two and one-half percent. This amount shall be remitted to the Missouri state employees' retirement system and applied to the unfunded liability of that system.

4. Compensation shall include all salary and wages payable out of any state, federal, trust or other funds to an employee for personal services performed for a department, but shall not include any non-recurring single sum payments or amounts paid after the member's retirement.

5. Contributors to the optional retirement program shall be immediately vested.

174.812. No retirement, death or other benefit shall be paid by the state for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated companies in accordance with the terms of the contracts.

174.815. 1. As used in this section, the term "employee" shall mean as defined in section 104.010, RSMo.

2. No employee shall be eligible to claim or receive retirement benefits based on service as an employee of the state of Missouri, at the same time that the employee is employed full time by the state of Missouri.

3. The provisions of this section shall not affect the rights of any employee to claim or receive benefits payable by law to the employee as a surviving spouse or surviving dependent of any retiree who was previously employed by the state of Missouri.

4. The provisions of this section shall not affect the rights of any employee to become a member of, or claim or receive benefits from, two or more retirement systems provided by law to employees of the state of Missouri, provided that the employee has retired from employment with the state of Missouri prior to claiming or receiving benefits from any such retirement system."; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 802**, with **SA 2** (pending), was placed on the Informal Calendar.

RE-REFERRALS

President Pro Tem Mathewson re-referred **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202** to the

RESOLUTIONS

Senator Howard offered Senate Resolution No. 999, regarding Jacob Ryan Petersen, Poplar Bluff, which was adopted.

Senator Mueller offered Senate Resolution No. 1000, regarding Boy Scout Troop 302, Webster Groves, which was adopted.

Senator Wiggins offered Senate Resolution No. 1001, regarding the death of Mrs. Ann Nelson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1002, regarding the death of Imogene B. Rose, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1003, regarding the death of Eupha Jane "Billie" Smith, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1004, regarding the death of LaVeta Todd, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1005, regarding the death of Reed Philip Byers, Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1006, regarding the American Business Women Association, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, John Hawk, Warrenton; Francis Flansburg, Louisiana; and Lisa Orf, Bowling Green.

Senator Treppler introduced to the Senate, Sarah Rhea, Cor Jesu Academy, St. Louis County.

Senator Lybyer introduced to the Senate, Jill Aholt, and her parents, Jeff and Brenda Aholt, and Lonnie Thompson, Linn.

Senator Singleton introduced to the Senate, Mary Terry, Reeds; and Doug York, Jasper.

Senator Schneider introduced to the Senate, students from Highland Elementary School, St. Louis.

On behalf of Senators Caskey, DePasco, Quick, Wiggins and himself, Senator Kenney introduced to the Senate, Pam Lewis, Raytown; Dawn Short, Belton; Beth Philbrick, Liberty; Liane Colburn, Spring Hill; Cheryl Gaggens, Kansas City; and Crystal Irwin, LaCygne, Kansas.

Senator Bentley introduced to the Senate, Sue Adams, Springfield; Dave Litzenberger, Bob Blankenship, Joe Colbert, Joe Quinn and Frank Edwards, Kansas City.

Senator Moseley introduced to the Senate, students from Cairo Elementary School, Cairo; and Benjamin Watkins, Faith Wemhoff, Timmy Miller and Laura Pechawer were made honorary pages.

Senator Russell introduced to the Senate, former state representative Al Nilges, Lake Ozark.

Senator Russell introduced to the Senate, Kathy Yost, and a delegation from the Gifted Students Program, Camdenton R-III School, Camdenton.

Senator Moseley introduced to the Senate, Adele Edwards, and ninety eighth grade students from Chesterboren Middle School, Centralia; and Rebekah Dorr, Amanda Forshee, Cindy Cravens and Luke Estes were made honorary pages.

Senator Russell introduced to the Senate, Kendra Davis, Osage Beach; and Kendra was made an honorary page.

Senator Moseley introduced to the Senate, members of the POSSE Club, Moberly; and Kendall Enyard, Whitney Anderson, Dana Patrick and Sabina Berbic were made honorary pages.

Senator Graves introduced to the Senate, sixth grade students from Chillicothe.

On behalf of Senator Wiggins, the President introduced to the Senate, Donna Phelps, Kate Corwin, Margo Soule, Robert K. McCall, Cal Kleinmann, Greg Drown, Chris Busch, Shaun Moore, Dan Bolen and Daniel Goldstein, members of the Kansas City Tomorrow Leadership Class.

Senator Treppler introduced to the Senate, Cal Rudsinsky, and fifty-five fifth grade students from Green Park Lutheran School, St. Louis.

Senator Mathewson introduced to the Senate, R. Scott Weston, and a delegation from the Christian Family Institute, Richmond.

On behalf of Senator Wiggins, the President introduced to the Senate, Sarah Brown, and her parents, Michael and Roberta, Kansas City.

Senator Mathewson introduced to the Senate, Nathan Cooper, Chris Robertson, Dr. Ken Dobbins, Jane Stacy, Marvin Proffer, Dr. Rick Althaus, and a group of thirty students and eight interns from Southeast Missouri State University, Cape Girardeau.

Senator Graves introduced to the Senate, Paul Cade and students from Tarkio Academy, Tarkio.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY--WEDNESDAY, MARCH 20, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, Paul wrote in the Bible, "Be at peace among yourselves." Lord, in order for there to be peace in our world, let it begin with us. Help us to be agreeable in our disagreements, respectful of the views of others and love those whose ideas aren't the same as ours. Let there be peace on earth and let it begin in us. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

President Wilson assumed the Chair.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Sims	Singleton--2
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The Lieutenant Governor was present.

Senator Wiggins resumed the Chair.

Senator Banks announced that Dan Gill and Thomas Scharenburg had been given permission to take pictures in the Senate Chamber today.

Senator Staples assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 643** and **SS** for **SB 709**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 572, introduced by Senator Moseley, entitled:

An Act to repeal sections 160.051, 160.053 and 171.031, RSMo 1994, relating to public schools, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Moseley, **SB 572** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 643, introduced by Senator DePasco, et al, entitled:

An Act to create chapter 617, RSMo, relating to the creation of a department of aging, by enacting six new sections, with a contingent effective date.

Was taken up.

On motion of Senator DePasco, **SB 643** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	House
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--23	

Nays--Senators

Ehlmann	Graves	Kenney	Kinder
Klarich	Melton	Mueller	Rohrbach--8

Absent--Senator Bentley--1

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SS for **SB 709**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 709

An Act to repeal sections 105.470, 105.483, 105.487, 105.959, 105.961, 130.031, 130.032 and 130.057, RSMo 1994, and sections 105.955 and 130.037, RSMo Supp. 1995, relating to certain public officials, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Maxwell, **SS** for **SB 709** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

SCS for **SJR 31**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE JOINT RESOLUTION NO. 31

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 5 of article V of the Constitution of Missouri, relating to the practice of law, and adopting one new section in lieu thereof relating to the same subject.

Was taken up by Senator Mueller.

On motion of Senator Mueller, **SCS** for **SJR 31** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 501, introduced by Senator Mathewson, entitled:

An Act to repeal section 105.955, RSMo 1994, relating to the Missouri ethics commission, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 501** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 683, introduced by Senators Mueller and Mathewson, entitled:

An Act to repeal section 408.140, RSMo 1994, relating to financial institutions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Mueller.

On motion of Senator Mueller, **SB 683** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
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Ehlmann	Flotron	Goode	Graves
House	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Banks	Clay	Howard	Kenney--4
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Absent--Senators--None

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 773, introduced by Senators Goode and Rohrbach, entitled:

An Act to repeal sections 36.030, 36.031, 36.040, 36.050, 36.100, 36.110, 36.120, 36.140, 36.170, 36.180, 36.190, 36.210, 36.240, 36.250, 36.260, 36.280, 36.300, 36.320, 36.330, 36.360, 36.390 and 36.510, RSMo 1994, and section 36.020, RSMo Supp. 1995, relating to Missouri merit system and uniform classification and pay system, and to enact in lieu thereof twenty-three new sections relating to the same subject.

Was taken up by Senator Goode.

On motion of Senator Goode, **SB 773** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Flotron McKenna--2

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 837, introduced by Senator Mathewson, entitled:

An Act to repeal sections 2.080 and 2.091, RSMo 1994, relating to journals of the senate and the house of representatives, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 837** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 900, introduced by Senator Johnson, entitled:

An Act to repeal section 104.090, RSMo 1994, relating to retirement of state officers and employees, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 900** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Klarich	McKenna--2
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Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 860, with **SCS No. 2**, introduced by Senator Johnson, entitled:

An Act to repeal sections 169.035, 169.050, 169.589 and 169.650, RSMo 1994, and sections 169.030, 169.055, 169.056, 169.057, 169.075, 169.560, 169.620, 169.630, 169.655 and 169.660, RSMo Supp. 1995, relating to teacher and school employee retirement systems, and to enact thirteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS No. 2 for **SB 860**, entitled:

SENATE COMMITTEE SUBSTITUTE NO. 2 FOR SENATE BILL NO. 860

An Act to repeal sections 169.035, 169.050, 169.589 and 169.650, RSMo 1994, and sections 169.030, 169.055, 169.056, 169.057, 169.075, 169.560, 169.620, 169.630, 169.655 and 169.660, RSMo Supp. 1995, relating to teacher and school employee retirement systems, and to enact thirteen new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Johnson moved that **SCS No. 2** for **SB 860** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS No. 2** for **SB 860** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 527, with **SCA 1**, introduced by Senator Moseley, entitled:

An Act to repeal section 575.010, RSMo 1994, relating to offenses against the administration of justice, and to enact three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **SB 527**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

SB 834, with **SCA 1**, introduced by Senator Graves, entitled:

An Act to repeal sections 194.400 and 194.410, RSMo 1994, relating to unmarked human burial sites, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Graves, **SB 834**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 914, with **SCA 1**, introduced by Senator Quick, entitled:

An Act to repeal sections 110.130, 110.140, 110.150, 140.170 and 140.190, RSMo 1994, relating to county government, and to enact in lieu thereof five new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 914**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Klarich--1

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Quick assumed the Chair.

SB 883, with **SCA 1**, introduced by Senators Bentley and Schneider, entitled:

An Act to repeal sections 376.854, 376.859, 376.864, 376.869, 376.879 and 376.886, RSMo 1994, relating to medicare supplement insurance, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCA 1 was taken up.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Bentley, **SB 883**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Johnson--1

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Johnson Moseley--2

Absent with leave--Senators

Sims Singleton--2

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SB 726, with **SCS**, introduced by Senator Howard, entitled:

An Act to amend chapter 192, RSMo, by adding two new sections relating to public health functions.

Was called from the Consent Calendar and taken up.

SCS for **SB 726**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 726

An Act to amend chapter 192, RSMo, by adding one new section relating to public health and welfare.

Was taken up.

Senator Howard moved that **SCS** for **SB 726** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 726** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SB 947, with **SCAs 1** and **2**, introduced by Senator Staples, entitled:

An Act relating to the conveyance of certain property in St. Francois County.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **SB 947**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Lybyer Maxwell--2

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SB 940, introduced by Senator Clay, entitled:

An Act to authorize the governor of the state of Missouri to convey certain land of the department of mental health located in the city of St. Louis.

Was called from the Consent Calendar and taken up.

On motion of Senator Clay, **SB 940** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard

Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Lybyer	Staples--2
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Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

SB 662, with **SCS**, introduced by Senator Howard, entitled:

An Act to repeal section 260.831, RSMo 1994, relating to removing the termination date on landfill fees in certain counties, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 662**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 662

An Act to repeal section 260.831, RSMo 1994, relating to removing the sunset date on landfill fees for economic development in certain counties only, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SB 662** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SB 662** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Sims	Singleton--2
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The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

SB 930, introduced by Senator McKenna, entitled:

An Act to repeal section 329.265, RSMo Supp. 1995, relating to cosmetology, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 930** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Rohrbach
Russell	Schneider	Scott	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Mueller--1

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 933, with **SCA 1**, introduced by Senator Flotron, entitled:

An Act to amend chapter 311, RSMo, by adding one new section relating to the auction of vintage wine, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Flotron, **SB 933**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Rohrbach
Schneider	Scott	Treppler	Wiggins--24

Nays--Senators

Caskey	Howard	Johnson	Melton
Quick	Russell	Westfall--7	

Absent--Senator Staples--1

Absent with leave--Senators

Sims Singleton--2

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SBs 795, 542 and 563** and **SS** for **SCS** for **SB 722**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1011**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1012**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 1007, regarding Heather Renee Arnold, Mexico, which was adopted.

Senator Wiggins offered Senate Resolution No. 1008, regarding Robert L. Becker, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1009, regarding Elizabeth Hornbeck, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1010, regarding Betty L. Schaffer, Holts Summit, which was adopted.

Senator Wiggins offered Senate Resolution No. 1011, regarding the death of Guy William Myers, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1012, regarding the death of Carl A. Letzig, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1013, regarding the death of Charles L. LeCluyse, Overland Park, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 1014, regarding the death of Mary G. "Mamie" King, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1015, regarding the death of Shawn Kevin Hagerty, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1016, regarding the death of Donald M. Growney, Shawnee Mission, Kansas, which was adopted.

Senator Wiggins offered Senate Resolution No. 1017, regarding the death of Alvie Arthur Davis, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1018, regarding Dana Gilmore, Kansas City, which was adopted.

Senator Maxwell offered Senate Resolution No. 1019, regarding Debbie Schick, Mexico, which was adopted.

THIRD READING OF SENATE BILLS

SB 844, introduced by Senator Flotron, entitled:

An Act to repeal sections 287.020, 287.030, and 287.090, RSMo 1994, relating to employer and employee coverages and exemptions, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Flotron moved that **SB 844** be read the 3rd time and finally passed.

At the request of Senator Flotron, the above motion was withdrawn.

SB 855, introduced by Senator Clay, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to the withholding of income taxes

from unemployment compensation benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Clay, **SB 855** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Westfall

Wiggins--25

Nays--Senators--None

Absent--Senators

Banks	Curls	DePasco	Goode
Lybyer	McKenna	Treppler--7	

Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

SB 926, introduced by Senator Melton, entitled:

An Act to repeal section 165.111, RSMo 1994, relating to budgeting by public schools, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Melton, **SB 926** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Staples	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Banks	Curls	Lybyer	Treppler--4
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SB 955, introduced by Senator Caskey, entitled:

An Act to amend supreme court rule 1.8, relating to prohibited transactions between attorneys and their clients.

Was called from the Consent Calendar and taken up.

Senator Caskey moved that **SB 955** be read the 3rd time and finally passed.

At the request of Senator Caskey, the above motion was withdrawn.

SB 929, introduced by Senator McKenna, entitled:

An Act to repeal section 195.017, RSMo 1994, relating to the regulation of certain drugs, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator McKenna, **SB 929** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Banks	Staples--2
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Graves moved that motion lay on the table, which motion prevailed.

Senator Howard assumed the Chair.

SB 970, introduced by Senator Graves, entitled:

An Act to repeal section 290.500, RSMo 1994, and sections 211.181 and 211.185, RSMo Supp. 1995, relating to restitution by juvenile offenders, and to enact three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Graves, **SB 970** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Banks McKenna Schneider Staples--4

Absent with leave--Senators

Scott Singleton--2

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

SB 945, introduced by Senator Westfall, entitled:

An Act to repeal section 70.220, RSMo 1994, relating to cooperation between political subdivisions of the state, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Westfall, **SB 945** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Banks Russell--2

Absent with leave--Senators

Scott Singleton--2

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

SB 916, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 197.254, RSMo 1994, relating to hospice facilities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 916**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 916

An Act to repeal section 197.254, RSMo 1994, relating to hospice facilities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 916** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 916** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Russell	Schneider	Sims
Staples	Treppler	Westfall	Wiggins--28

Nays--Senator Rohrbach--1

Absent--Senators

Banks	Graves	Mueller--3
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

SB 703, introduced by Senator Wiggins, entitled:

An Act to repeal section 376.381, RSMo 1994, relating to mental health expense benefits, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 703** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Russell	Schneider	Sims	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Melton	Mueller	Rohrbach--3
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Absent--Senators

Banks	Curls--2
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SB 888, introduced by Senator Goode, entitled:

An Act to repeal section 144.025, RSMo 1994, relating to sales taxes, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 888** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Howard--1

Absent--Senator Banks--1

Absent with leave--Senators

Scott Singleton--2

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SB 868, with **SCA 1**, introduced by Senator Schneider, entitled:

An Act to repeal section 287.210, RSMo 1994, relating to workers' compensation, and to enact one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SB 868**, as amended, be read the 3rd time and finally passed.

Senator Schneider was recognized to close.

President Pro Tem Mathewson referred **SB 868**, as amended, to the Committee on State Budget Control.

SB 896, with **SCS**, introduced by Senator Curls, entitled:

An Act to repeal section 375.700, RSMo 1994, relating to the distribution of assets of dissolved insurers, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 896**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 896

An Act to repeal sections 375.700 and 375.1218, RSMo 1994, relating to the distribution of assets of dissolved insurers, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Curls moved that **SCS** for **SB 896** be adopted, which motion prevailed.

On motion of Senator Curls, **SCS** for **SB 896** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Banks	McKenna	Staples--3
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 802**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Moseley, the above amendment was withdrawn.

On motion of Senator Johnson, **SB 802**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Flotron moved that **SR 968** be taken up for adoption, which motion prevailed.

Senator Flotron offered **SS** for **SR 968**:

SENATE SUBSTITUTE FOR

SENATE RESOLUTION NO. 968

"Rule 102. A member, officer or employee of the Senate may accept meals, food, beverage or other gifts from a legislative lobbyist or the lobbyist's principal as defined in Chapter 105, RSMo, if any single item accepted has a value of less than fifty dollars, and all items accepted by any member, officer or employee in any calendar year from a lobbyist or lobbyist principal do not exceed a value of one hundred dollars in the aggregate.

This rule shall not apply to:

(1) The participation of members, officers and employees in activities authorized in Section 105.470.4(2)(c), RSMo, regardless of the aggregate value;

(2) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration; or

(3) The acceptance of meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of obtaining actual knowledge that reimbursement is necessary to meet the requirements of this rule.

This rule shall become effective April 1, 1996, and shall be prospective only.

[Rule 102. A member, officer or employee of the Senate shall not accept meals, food, beverage or other gift, from a Legislative lobbyist as defined in paragraph (a) of subdivision (3) of subsection 1 of section 105.470, RSMo, or the lobbyist principal of such lobbyist, except as provided in this rule. This rule shall not apply to:

(1) Any single item accepted from a lobbyist or a lobbyist principal identified in this rule of a value less than fifty dollars;

(2) Any items accepted in any calendar year from a lobbyist or lobbyist principal identified in this rule which are of a value less than one hundred dollars;

(3) The participation of members, officers and staff in activities authorized in paragraph (c) of subdivision (2) of subsection 4 of section 105.470, RSMo; or

(4) The participation in seminars or meetings of national or regional associations when such participation and activities have been requested in writing and approved in advance by the Committee on Administration.

The provisions of this rule may be satisfied by reimbursing said lobbyist or lobbyist principal within thirty days of a report pursuant to paragraph (c) of subdivision (2) of subsection 4 of section 105.470, RSMo.

This rule shall not prevent any member from accepting meals, food or beverage or other gifts to be used for charitable purposes, as defined by law, and which are not consumed or used for the personal benefit of the member.

This rule shall become effective March 18, 1996.]".

Senator Flotron moved that **SS** for **SR 968** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 968, Page 1, Line 1 of said page, by striking the following: ", officer or employee"; and further amend lines 5-6, by striking the following: ", officer or employee"; and further amend line 10, by striking the following: ", officers or employees".

Senator Maxwell moved that the above amendment be adopted.

Senator Wiggins resumed the Chair.

Senator Mueller offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT 1

Amend Senate Substitute for Senate Resolution No. 968, Page 1, Line 2, by inserting immediately preceding the word "accept" the following: "**not**"; and further on line 2, by striking the words "or other gifts"; and further on line 3, by striking "Chapter 105" and inserting in lieu thereof the following: "**section 105.470.1(3)(a)**"; and further on line 4, by striking the comma "," and inserting in lieu thereof the following: "**. A member, officer or employee may accept a gift**"; and

Further on line 7, by inserting immediately after the word "principal", the following: "**, as defined in section 105.470.1(3)(a),**".

Senator Mueller moved that the above substitute amendment be adopted.

At the request of Senator Flotron, the motion for adoption of **SR 968** was withdrawn, placing the resolution, with **SS, SA 1** and **SSA 1** for **SA 1** (pending), back on the Calendar.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 725** be taken up for perfection, which motion prevailed.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 725, Page 1, Section 307.174, Lines 3-5 by striking said lines and inserting in lieu thereof the following: "**the vehicle from fifty or more feet when:**

(1) The vehicle is being operated upon a city street, highway or any right of way or parking area open to the general public; or

(2) The vehicle is parked upon any right of way or parking area open to the general public; for the purposes of this subdivision, the owner or person in control of the vehicle shall be considered the driver of the vehicle."; and

Further amend said bill, page and section, line 6, by inserting immediately after "2." the following: "**This section does not apply when a sound amplification system is being operated to request assistance or warn of a hazardous situation.**".

Senator DePasco moved that the above amendment be adopted, which motion failed.

Senator Quick assumed the Chair.

Senator DePasco moved that **SB 725** be declared perfected and ordered printed, which motion failed.

Senator Lybyer moved that **SB 504**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 504**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 504

An Act to repeal sections 226.200 and 313.835, RSMo 1994, relating to certain funds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Lybyer moved that **SCS** for **SB 504** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 504, Page 1, Section A, Line 3 of said section, by inserting immediately after said line, the following:

"43.351. Notwithstanding the provisions of subsection 1 of section 43.025, the Missouri state highway patrol is hereby authorized to establish a "Division of Gaming", provided that the Missouri state highway patrol has entered into an agreement with the Missouri gaming commission pursuant to subsection 9 of section 313.004, RSMo, to enforce the provisions of sections 313.005 to 313.080, RSMo, and sections 313.500 to 313.710, RSMo, and sections 313.800 to 313.850, RSMo."; and

Further amend said bill, page 4, section 313.835, line 1 of said section, by inserting immediately preceding said line, the following:

"313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of five members appointed by the governor, with the advice and consent of the senate. Each member of the Missouri gaming commission shall be a resident of this state. No member shall have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not more than three members shall be affiliated with the same political party. No member of the commission shall be an elected official. The overall membership of the commission shall reflect experience in law enforcement, civil and criminal investigation and financial principles.

2. The initial members of the commission shall be appointed within thirty days of April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a member more than six years. The governor shall designate one of the members as the chair. The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. The governor may also replace any member of the commission, with the advice and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel wagering or any other form of gaming is placed under the jurisdiction of the commission.

3. The commission shall meet at least quarterly in accordance with its rules. In addition, special meetings may be called by the chair or any two members of the commission upon twenty-four-hour written notice to each member. No action of the commission shall be binding unless taken at a meeting at which at least three of the five members are present and shall vote in favor thereof.

4. The commission shall perform all duties and have all the powers and responsibilities conferred and imposed upon

it relating to excursion gambling boats and, after June 30, 1994, the lawful operation of the game of bingo under this chapter. Within the commission, there shall be established a division of gambling and after June 30, 1994, the division of bingo. Subject to appropriations, the commission may hire an executive director and any employees as it may deem necessary to carry out the commission's duties. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in the determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees which shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any game or gaming operation subject to the jurisdiction of the commission. The commission shall determine if any other employees of the commission or any licensee of the commission shall participate or wager in any operation under the jurisdiction of the commission.

5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel, property, matters pending and all other pertinent vestiges of the state tourism commission relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri gaming commission.

6. The commission shall be assigned to the department of public safety as a type III division, but the director of the department of public safety has no supervision, authority or control over the actions or decisions of the commission.

7. Members of the Missouri gaming commission shall receive as compensation, the amount of one hundred dollars for every day in which the commission holds a meeting, when such meeting is subject to the recording of minutes as provided in chapter 610, RSMo, and shall be reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall receive as additional compensation one hundred dollars for each month such person serves on the commission in that capacity.

8. No member or employee of the commission shall be appointed or continue to be a member or employee who is licensed by the commission as an excursion gambling boat operator or supplier and no member or employee of the commission shall be appointed or continue to be a member or employee who is related to any person within the second degree of consanguinity or affinity who is licensed by the commission as an excursion gambling boat operator or supplier. The commission shall determine by rule and regulation appropriate restrictions on the relationship of members and employees of the commission to persons holding or applying for occupational licenses from the commission or to employees of any licensee of the commission. No peace officer, as defined by section 590.100, RSMo, who is designated to have direct regulator authority related to excursion gambling boats shall be employed by any excursion gambling boat or supplier licensed by the commission while employed as a peace officer. No member or employee of the commission or any employee of the state attorney general's office or the state highway patrol who has direct authority over the regulation or investigation of any applicant or licensee of the commission or any peace officer of any city or county which has approved excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while serving as a member or while under such employment. Any person knowingly in violation of the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer or employee who personally or whose prohibited relative knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment.

9. The commission may enter into agreements with the Federal Bureau of Investigation, the Federal Internal Revenue Service, **the Missouri state highway patrol**, the state attorney general or any state, federal or local agency the commission deems necessary to carry out the duties of the commission. No state agency shall count employees used in any agreements entered into with the commission against any personnel cap authorized by any statute. Any consideration paid by the commission for the purpose of entering into, or to carry out, any agreement shall be considered an administrative expense of the commission. When such agreements are entered into for responsibilities relating to excursion gambling boats, the commission shall require excursion gambling boat licensees to pay for such services under rules and regulations of the commission. The commission may provide by rules and regulations for the offset of any prize or winnings won by any person making a wager subject to the jurisdiction of the commission, when practical, when such person has an outstanding debt owed the state of Missouri.

10. No person who has served as a member or employee of the commission, as a member of the general assembly, as

an elected or appointed official of the state or of any city or county of this state in which the licensing of excursion gambling boats has been approved in either the city or county or both or any employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats shall, while in such office or during such employment and during the first two years after termination of his office or position, obtain direct ownership interest in or be employed by any excursion gambling boat licensed by the commission or which has applied for a license to the commission or enter into a contractual relationship related to direct gaming activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class D felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

12. Notwithstanding the provisions of chapter 610, RSMo, to the contrary, all criminal justice records shall be available to any agency or commission responsible for licensing or investigating applicants or licensees applying to any gaming commission of this state."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 504, Page 5, Section 313.835, Line 46, by inserting immediately after said line the following:

"313.842. There may be established an outpatient center which shall provide services for compulsive gamblers and their families in any city or county that licenses excursion gambling boats. As used in this section, "compulsive gambler" means a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Such

centers may be funded from the taxes collected and distributed to the city or county establishing the center under section 313.822. Such moneys shall be submitted to the state and credited to the "Compulsive Gamblers Fund", which is hereby established within the department of mental health. **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.** The department of mental health shall administer all programs, either directly or by contract, for compulsive gamblers. Any such person or family of such person requesting services for compulsive gambling from the outpatient center must prove by a preponderance of the evidence that his or her chronic and preoccupation with gambling and the urge to gamble was exacerbated by this proposed legislation establishing riverboat gambling in this state."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 504, Page 4, Section 313.835, Lines 10-12, by deleting all words in bold-faced type on said lines.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Lybyer, **SB 504**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Melton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1020

WHEREAS, the members of the Missouri Senate welcome the opportunity to recognize an exceptionally dedicated leader who has earned the respect, esteem, and gratitude of all his fellow citizens: Mr. N. Timothy Frye; and

WHEREAS, Timothy Frye recently moved from the City of Cassville, Missouri, after having distinguished himself through many years of illustrious service and leadership on behalf of this fine community; and

WHEREAS, a May, 1971, graduate of Cassville High School, Timothy Frye returned to Cassville in July, 1982, to accept the position of Assistant Vice President of the Commerce Bank of Barry County, and he remained an officer at the bank and a resident of Cassville until December, 1995; and

WHEREAS, Mr. Frye played a major role in promoting the growth and development of the Cassville area while providing valuable leadership on behalf of Commerce Bank as Assistant Vice President, Vice President, Bank Board Vice Chairman, and as Senior Vice President serving as "second in command" over all bank operations and lending; and

WHEREAS, Timothy Frye made many important and lasting contributions to improve the quality of life in Cassville and throughout Barry County as a member of the Cassville R-IV School District Board, for which he served as both President and Vice President; as a member of the Cassville Rotary Club, for which he served as President and Director; and as a member of the Barry County Farm Bureau Board of Directors; and

WHEREAS, Mr. Frye has further distinguished himself through his leadership as Trustee and Treasurer of the First Baptist Church in Cassville, as President and member of the University of Missouri Barry County Alumni Association, and as President and member of the Cassville High School Alumni Association:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join with all the citizens of Cassville in commending and applauding Timothy Frye for his unparalleled record of service and accomplishment in the Cassville area, and further extend to him our very best wishes for continued success in all his future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Mr. N.

Timothy Frye, as a measure of our esteem for him.

Senator Goode, Senator Banks and Senator Clay offered Senate Resolution No. 1021, regarding the Earth Angels of St. Louis, which was adopted.

MISCELLANEOUS

Senator Caskey submitted the following:

March 20, 1996

TO: Senate Ethics Committee

FROM: Harold L. Caskey, Chairman

RE: Motion

The Democratic and Republican members of the Missouri Senate have made requests to be recognized as separate Caucuses.

Rule 102 provides, inter alia, that participation of members, officers and staff in activities authorized in section 105.470.4(2)(c), RSMo, will not come under the provisions of the Rule.

Section 105.470.4(2)(c), RSMo authorizes the activities of caucuses of the Senate or House, but requires that those caucuses be approved by the Ethics Committee of the respective chamber.

/s/ Harold L. Caskey, Chair John E. Scott, Vice-chair

/s/ Edward E. Quick /s/ John D. Schneider

/s/ Harry Wiggins /s/Steve Ehlmann

/s/ Bill Kenney /s/ Peter Kinder

/s/ David J. Klarich

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Skip Moore, Independence.

On behalf of Senator Wiggins, the President introduced to the Senate, Webelo Scouts from St. Elizabeth School, Kansas City; and Alex Ernst, M. Christopher Gabhart, Dominic C. Hoferer, Matthew S. Judge, Terrance G. Lord, Daniel J. McGuire, Michael Q. McShane, Daniel A. Neenan and Michael Staab were made honorary pages.

Senator Mueller introduced to the Senate, Dan Gill and Thomas Scharenborg, St. Louis; and Dan and Thomas were made honorary pages.

On behalf of Senator Wiggins, the President introduced to the Senate, Margaret Olson, Sally Rice, Ruth Lopez, Loretta H. and Ralph P. Bunnell, and Frankie Taylor, Kansas City.

Senator Schneider introduced to the Senate, Mildred Winter, Ferguson; and Joy Rouse, Creve Coeur.

Senator Moseley introduced to the Senate, Dr. Dennis Life, Columbia.

Senator Treppler introduced to the Senate, Mrs. Marilyn Chambers, and forty-two students from Affton High School, Affton.

Senator DePasco introduced to the Senate, Jackson County Prosecutor, Claire McCaskill, and her children, Lillie, Mattie and Austin, Kansas City.

On behalf of Senator Wiggins, the President introduced to the Senate, Sheila McAdam, and nine scouts and three adults from St. Peters School, Kansas City; and Ben Monsees, Chris Adair, Joe McAdam, John Friend, Jesse Franke-Rose, Jory Hansen, Brian Betterman, Jacob Jantsch and Raymond Mallory were made honorary pages.

Senator Howard introduced to the Senate, Nicholas Robinson, M.D., Kennett; and Tina Steinman, Jefferson City.

Senator Bentley introduced to the Senate, Michael Pentecost and Joel Chamberlain, Springfield.

Senator Bentley introduced to the Senate, Fred Palmerton and Amy Ruggeri, Springfield.

Senator Kenney introduced to the Senate, Dr. Jack Marvin and Dr. Ron Marvin, Kansas City.

On behalf of Senator Curls and himself, Senator Wiggins introduced to the Senate, Elizabeth Hornbeck, Richard Hornbeck, Robert Becker, Karen Baker, Dana Gilmore, Deana James, Carman Gilmore and Nancy Pinkham, North Kansas City.

Senator Moseley introduced to the Senate, Martha Shelton and Scott Orr, Columbia.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-THIRD DAY--THURSDAY, MARCH 21, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jeremiah was called the weeping prophet because he was so concerned about the people to whom he ministered. We pray that our concern might always be for the people we serve. Help us to rid our lives of selfish motives and give our best for others. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

Johnson	Scott	Singleton--3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1022, regarding Mr. Frederick Christian Sexauer, Jr., which was adopted.

Senator Lybyer offered Senate Resolution No. 1023, regarding Barbara Pinney-Plummer, which was adopted.

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1024

WHEREAS, upon occasion the members of the Missouri Senate pause to offer moral support to an individual who has reached that point in life when any semblance of youth vanishes into thin air; and

WHEREAS, Kim Spieler of California, Missouri, recently experienced a traumatic mid-life crisis as he waved good-bye to forty years of carefree life and entered the initial stages of what can best be described as senior citizenship; and

WHEREAS, prior to his Fortieth Birthday, Kim Spieler could honestly say that he was in good physical condition and could actually verify that claim by the vigor, strength, and endurance he demonstrated as a talented volleyball player and as a skilled farmer; and

WHEREAS, on that fateful day, March 2, 1996, Kim Spieler took a look in the mirror and saw an old man he did not recognize and did not want to recognize; and

WHEREAS, superannuated individuals like Kim Spieler eventually come to grips with their fate and let others gradually take over, as the staff at Spieler's will have to do, when Old Man Kim no longer has what it takes to be their leader as they sell those beautiful, luxurious Chrysler, Plymouth, Dodge, Jeep, Eagle and GMC vehicles; and

WHEREAS, it is entirely fitting and proper for this legislative body to express sympathy to Kim's family - his lovely wife, Terry, our beloved Senate Secretary; his devoted children, Aaron and Abby; his parents, Dick and Jane; and his sisters, Cinda and Dana - for the tremendous burden they must accept in caring for their loved one in his old age:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join unanimously in commiserating with Kim and the entire Spieler clan at this moment of truth and in expressing hope that his friends at the California United Church of Christ will find compassion in their hearts to look after Kim and take care of him as he slowly slips into senility and oblivion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Kim Spieler, as a memento of the day he went "Over the Hill".

Senator Flotron moved that **SR 968**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), be taken up for adoption, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Mueller moved that the above substitute amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Resolution No. 968, Page 1, Line 16, by striking the word "or" and further amend line 20, by inserting after the word "member" the following: "; or

(4) Entertainment within the home of a lobbyist or lobbyist principal".

Senator Banks moved that the above amendment be adopted.

At the request of Senator Banks, **SA 2** was withdrawn.

Senator Flotron offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Resolution No. 968, Page 1, Line 3 by striking "Chapter 105" and inserting in lieu thereof the following: "**section 105.470.1(3)(a)**"; and

Further on line 7, by inserting after the word "principal", the following: ", **as defined in section 105.470.1(3)(a)**".

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Resolution No. 968, Page 1, Line 16, by striking the word "or"; and further on line 20, by striking the period "." and inserting in lieu thereof the following: "; **or**

(4) A member is within the second degree of consanguinity or affinity of the lobbyist with regard to any gift provided to the member by such lobbyist."

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **SS** for **SR 968**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Staples
Westfall	Wiggins--26		

Nays--Senators

Banks	Clay	Curls	Howard
Treppler--5			

Absent--Senators--None

Absent with leave--Senators

Johnson	Scott	Singleton--3
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REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, which was requested by the sponsor to consider taking **SB 952** out of order under the provisions of Senate Rule No. 6, begs leave to report that it has considered the request and recommends that **SB 952** do be considered out of order.

Senator Banks moved that the above committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		
Nays--Senators--None			
Absent--Senator McKenna--1			
Absent with leave--Senators			
Johnson	Scott	Singleton--3	

SENATE BILLS FOR PERFECTION

Senator Mathewson moved that **SB 952** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 952** was declared perfected and ordered printed.

Senator Lybyer moved that **SB 759**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 759**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 759

An Act to repeal sections 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270 and 375.1275, RSMo 1994, relating to risk-based capital requirements for insurers, and to enact eleven new sections relating to the same subject.

Was taken up.

Senator Lybyer moved that **SCS** for **SB 759** be adopted.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 759, Page 16, Section 375.1275, Line 31 by inserting immediately after said line the following:

"3. The actions required under sections 375.1255 to 375.1262 or 375.1275 shall not apply to any insurer operating under the provisions of sections 287.900 to 287.920, RSMo, which is under any order of supervision, including waivers of require-ments for capital and surplus, issued or commenced by the director prior to the effective date of this act until such order or proceeding expires or is otherwise terminated by further order of the director."

Senator Lybyer moved that the above amendment be adopted.

Senator Howard assumed the Chair.

At the request of Senator Lybyer, **SB 759**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Moseley moved that **SB 854** be taken up for perfection, which motion prevailed.

Senator Moseley moved that **SB 854** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator Lybyer moved that **SB 759**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Lybyer, **SB 759**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1008**--Appropriations.

HCS for **HB 1009**--Appropriations.

HCS for **HB 1010**--Appropriations.

HCS for **HB 1011**--Appropriations.

HCS for **HB 1012**--Appropriations.

President Pro Tem Mathewson assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SJR 36**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which were referred **SB 515** and **SB 584**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached,

do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 705**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 675**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Staples, Chairman of the Committee on Transportation, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 810**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 810, Page 1, Section 226.030, Line 3 by striking the word "three" and inserting in lieu thereof the word "**four**".

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 754**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **SB 524**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which were referred **SB 604**, **SB 666**, and **SB 816**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **SB 804**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 523**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **SB 836**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 836, Page 2, Section 361.160, Lines 13-15, by striking all of said lines and inserting in lieu thereof the following: "**concerns**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 836, Page 7, Section 369.266, Line 107, by inserting immediately before the period "." the following: ", **but further provided that the association shall have a period of three years in which to divest itself of any nonconforming assets**".

On behalf of Senator Johnson, Chairman of the Committee on Agriculture and Local Government, Senator Quick submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **SB 686**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 686, Page 2, Section 79.240, Lines 27-28, by striking the words "shall mean" and inserting in lieu thereof the following: "**may include, but is not limited to**".

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 489**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 489, Page 1, Section 217.345, Line 8 by striking the opening bracket "["; and further amend said line, by striking the following: "]" sight and sound"; and further amend line 11, by inserting immediately after the word "rules" the following: "**pursuant to subsection 2 of section 217.378, RSMo,**"; and further amend line 13, by striking the following: "pursuant to subsection 2 of this section".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 781**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **SB 623**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **SB 609**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John David Starr, Democrat, 1250 W. 62nd Street, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Development Finance Board, for a term ending September 14, 1999, and until his successor is duly appointed and qualified; vice, James McRoberts, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael F. Shanahan, Jr., Democrat, 100 Brighthurst Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the St. Louis Regional Convention and Sports Complex Authority, for a term ending May 31, 2000, and until his successor is duly appointed and qualified; vice, Andrew Leonard, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William L. Treece, Route 1, Box 126, Sweet Springs, Saline County, Missouri 65351, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1996, and until his successor is duly appointed and qualified; vice, Michael Fisher, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roger L. Pryor, Democrat, 3410 Elm Point Road, St. Charles, St. Charles County, Missouri 63301, as a member of the St. Charles County Convention and Sports Complex Authority, for a term ending April 27, 1999, and until his successor is duly appointed and qualified; vice, Wilda Worley, deceased.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Delores A. Hudson, Democrat, 1230 Pembroke Drive, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Health and Educational Facilities Authority, for a term ending June 30, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William E. James, Democrat, 902 Bird Avenue, Harrisonville, Cass County, Missouri 64701, as a member of the Missouri State Lottery Commission, for a term ending September 7, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 21, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald M. Claycomb, Ph.D., 1102 Tanya Lynn, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1025, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy D. Boyd, Windsor, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, Janet Worth and her son, Ross, home schoolers from Columbia; and Ross was made an honorary page.

Senator Rohrbach introduced to the Senate, his sisters-in-law, Sharon Rohrbach, California, and Joyce L. Rohrbach, Jamestown; Ruby Allee, Tipton; Cory Petree and Steven Lucas, Tipton; Dianna Baysinger and Christina Porter, Jamestown; and Sarah Carey and Melissa Rugen, California.

Senator Mathewson introduced to the Senate, members of the Farm Bureau Youth in Leadership Program from around the state.

Senator Bentley introduced to the Senate, Elise Crane, Ozark.

Senator Kinder introduced to the Senate, Debbie Grebing, and eleven eighth grade students from Trinity Lutheran School, Cape Girardeau.

Senator Flotron introduced to the Senate, Douglas Sexton, Sharon Bail, and forty- six fourth grade students from Remington Traditional School, Maryland Heights; and Nichole Milligan, Shawn Cowles, Zac Branson and Cheryl Steele were made honorary pages.

Senator Schneider introduced to the Senate, students from Transfiguration School, St. Louis County; and Rachel Gehner and Clifford Heeley were made honorary pages.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, John Travis, and forty-five seventh grade students from Zion Lutheran School, St. Charles County.

On motion of Senator Banks, the Senate adjourned until 3:00 p.m., Monday, March 25, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FOURTH DAY--MONDAY, MARCH 25, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we ask for courage and strength and wisdom, not for ourselves, but in order that we might make decisions that will benefit the people we serve. Guide us that Your people might be blessed. As the prophet said, mold us as clay in the potter's hand. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 21, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Clay	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 1026, regarding the Shelbina Knights of Columbus Council #2241, which was adopted.

Senator Lybyer offered Senate Resolution No. 1027, regarding Betty Schaffer, Holts Summit, which was adopted.

Senator Graves offered Senate Resolution No. 1028, regarding Thomas Ellsworth Kreek, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1029, regarding Terry Hoyt, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1030, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Eldon Everhart, Skidmore, which was adopted.

Senator Graves offered Senate Resolution No. 1031, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leroy McGinness, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1032, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lyman Bill, Wyeth, which was adopted.

Senator Graves offered Senate Resolution No. 1033, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Newton, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1034, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Knouse, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1035, regarding the Sixty-first Wedding Anniversary of Mr. and Mrs. O.C. Steele, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1036, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Verlin Vulgamott, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1037, regarding the Ninetieth Birthday of Ruth McClain, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1038, regarding Alice Gabrielson, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1039, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Fern Keithley, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 1040, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Connie Watson, Callao, which was adopted.

Senator Graves offered Senate Resolution No. 1041, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Richard Gilpatrick, Eagleville, which was adopted.

Senator Graves offered Senate Resolution No. 1042, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Leist, Waverly, which was adopted.

Senator Graves offered Senate Resolution No. 1043, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Franklin E. Davis, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1044, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harold Almond, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1045, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stillman Knifong, Browning, which was adopted.

Senator Graves offered Senate Resolution No. 1046, regarding the One Hundred Second Birthday of Cora Hill, Rock Port, which was adopted.

Senator Graves offered Senate Resolution No. 1047, regarding Phil Keuhn, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1048, regarding the Kiwanis Club, Fairfax, which was adopted.

Senator Graves offered Senate Resolution No. 1049, regarding Pat Swift, which was adopted.

Senator Graves offered Senate Resolution No. 1050, regarding the Ninetieth Birthday of Ruth Warren, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1051, regarding the One Hundred Fourth Birthday of Alta H. Dewyre, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1052, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Craven, Tarkio, which was adopted.

Senator Graves offered Senate Resolution No. 1053, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alfred Schieber, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1054, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Victor O'Dell, Hale, which was adopted.

Senator Graves offered Senate Resolution No. 1055, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Orville Hillman, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 1056, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Forrest Long, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1057, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Barnes, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1058, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Norman Bowland, Savannah, which was adopted.

Senator Graves offered Senate Resolution No. 1059, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ted M. Willis, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 1060, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Maurice L. McCrea, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1061, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Merrill Markt, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1062, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Lee Redd, Albany, which was adopted.

Senator Graves offered Senate Resolution No. 1063, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clarence J. Myers, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1064, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Groves, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1065, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Tunks, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1066, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Frank Fletcher, Union Star, which was adopted.

Senator Graves offered Senate Resolution No. 1067, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Don Moss, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1068, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Calvin Jones, Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1069, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Vester Wilson, Bigelow, which was adopted.

Senator Graves offered Senate Resolution No. 1070, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Herman Creason, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 1071, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Garland Simpson, Ridgeway, which was adopted.

Senator Graves offered Senate Resolution No. 1072, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Crouse, Easton, which was adopted.

Senator Graves offered Senate Resolution No. 1073, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Harvey Jahnke, St. Joseph, which was adopted.

Senator Graves offered Senate Resolution No. 1074, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Darrel Hiatt, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1075, regarding Herzog Contracting Corporation, St. Joseph, which was adopted.

Senator Mathewson offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1076

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs;

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 31, 1996 and until 1:00 p.m. on November 1, 1996.

REFERRALS

President Pro Tem Mathewson referred **SS** for **SCS** for **SB 722** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 802**, **SB 854** and

SB 952, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 740** be taken up for perfection, which motion prevailed.

Senator Maxwell offered **SS** for **SB 740**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 740

An Act relating to the Emergency Mutual Aid Compact.

Senator Maxwell moved that **SS** for **SB 740** be adopted.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 740, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following: "To repeal section 292.602, RSMo 1994, and to enact in lieu thereof three new sections relating to emergency management."; and

Further amend said bill, page 1, section 1, line 1, by inserting immediately before said line the following:

"Section A. Section 292.602, RSMo 1994, is repealed and three new sections enacted in lieu thereof, to be known as sections 292.602, 1 and 2, to read as follows:

292.602. 1. The "Missouri Emergency Response Commission", herein to be known as the commission, is hereby established and is officially domiciled in the [division of fire safety within the] department of public safety. The commission shall be composed of the director of the department of economic development, or his designee; the director of the department of natural resources, or his designee; the director of the department of public safety, or his designee; the director of the department of health, or his designee; six members appointed by the governor with the advice and consent of the senate; one to represent transporters of hazardous materials; one to represent Missouri industry; one to represent local government; one chief fire officer from a recognized fire department or fire protection district; one police officer of the rank of captain or above from a recognized county or municipal police department; and one to represent the general public and four members of the general assembly, two of whom shall be appointed by the speaker of the house and two of whom shall be appointed by the president pro tem of the senate. All members of the commission shall represent the general interest of the public and shall, to the extent practicable, have technical expertise in the emergency response field. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of three years, two shall have a term of two years and two will have a term of one year. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause.

2. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

3. The Missouri emergency response commission in conjunction with the department shall:

(1) Carry out those responsibilities designated under sections 292.600 to 292.625 and implement sections 292.600 to 292.625 and the Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, as amended,

and all rules and regulations promulgated pursuant thereto, herein to be known as the federal act;

(2) Designate local emergency planning districts to facilitate preparation and implementation of emergency plans, appoint members of a local emergency planning committee for each local emergency planning district, support and coordinate the activities of such committees, review the emergency plans submitted by local emergency planning committees, and make recommendations to the local emergency planning committees regarding those plans;

(3) Establish a single filing point for all reports and filings that are required to be submitted to the commission under the provisions of sections 292.600 to 292.625 and the federal act;

(4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625;

(5) Provide assistance to the local emergency planning committees for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and the federal act by utilizing all available expertise both public and private, including, but not limited to, the departments of natural resources, public safety and health;

(6) Provide training to local emergency planning committees and other local officials to accomplish the purposes and objectives of the federal act and the provisions of sections 292.600 to 292.625. The department of public safety will coordinate the provision of such training and periodically report to the commission on training activities;

(7) Enter into such agreements with other state agencies, local governments and other political subdivisions of the state, the federal government and other persons as is determined to be appropriate to implement the federal act and the provisions of sections 292.600 to 292.625;

(8) Allot funds as specified in section 292.604 to local emergency planning committees;

(9) Develop a data management system to store and retrieve information submitted under the provisions of sections 292.600 to 292.625 and the federal act. The commission and the department will provide assistance to local emergency planning committees and fire departments, fire protection districts, volunteer fire protection services and others to make this information readily available to them for planning and emergency response purposes."

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 740, Page 3, Section 2, Line 9, by inserting after the word "compact." the following: **"Such plans and any revision thereto shall not become effective unless submitted to and approved by the general assembly by concurrent resolution; except that if the general assembly is not in session, such plans or revisions thereto shall take effect but shall terminate if the general assembly does not approve of the plan or revision within thirty calendar days after the general assembly has convened in regular or special session."**

Senator Ehlmann moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Rohrbach offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 740, Page 3, Section 2, Line 9, by inserting after the word "compact."

the following: "**Such plans and any revision thereto shall not become effective unless submitted to and approved by the general assembly by concurrent resolution.**".

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator McKenna assumed the Chair.

At the request of Senator Rohrbach, **SSA 1** for **SA 2** was withdrawn.

Senator Wiggins resumed the Chair.

SA 2 was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell moved that **SS** for **SB 740**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SB 740**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 669**, with **SCAs 1, 2 and 3**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Staples assumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 669, Page 6, Section 643.315, Lines 26-27, by striking all of said lines; and further amend said subsection by renumbering the remaining subdivisions accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 669, Page 4, Section 643.310, Line 106, by deleting, after the word "participation", the following: ", strive to promote racial and cultural diversity and give preference to owner operated and managed businesses."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 2** was withdrawn.

Senator Ehlmann offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 669, Page 1, Section 643.310, Line 3, by inserting immediately after the word "any" the following: "**urbanized**"; and further amend line 4, by inserting immediately after "643.305," the following: "**as determined by the local metropolitan planning organization.**".

Senator Ehlmann moved that the above amendment be adopted.

Senator McKenna resumed the Chair.

At the request of Senator Ehlmann, **SA 3** was withdrawn.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 669, Page 12, Section 643.355, Line 41, by inserting immediately after said line the following:

"8. Any county of the first classification without a charter form of government and with a population of at least eighty thousand shall be exempt from regulation under Rule 10-5.070 of the Code of State Regulations until such county has attained a population of at least one-hundred thousand."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 669, Page 1, Section 643.310, Line 3, by inserting immediately after the word "any" the following: "**urbanized**"; and further amend line 4, by inserting immediately after "643.305," the following: "**as determined by the local metropolitan planning organization, on the condition that the exemption of certain rural areas may not effect the credits available to the nonattainment area.**".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Bill No. 669, Page 4, Section 643.310, Line 106, by deleting, after the word "participation", the following: ", strive to promote racial and cultural diversity".

Senator Ehlmann moved that the above amendment be adopted, which motion failed.

On motion of Senator Goode, **SB 669**, as amended, was declared perfected and ordered printed.

Senator Quick moved that **SB 634** be taken up for perfection, which motion prevailed.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 634, Page 2, Section 493.030, Line 26, by inserting immediately after said line the following:

"493.050. **1. Except as provided in subsection 2 of this section**, all public advertisements and orders of publication required by law to be made and all legal publications affecting the title to real estate, shall be published in some daily, triweekly, semiweekly or weekly newspaper of general circulation in the county where located and which shall have been admitted to the post office as second class matter in the city of publication; shall have been published regularly and consecutively for a period of three years; shall have a list of bona fide subscribers voluntarily engaged as such, who have paid or agreed to pay a stated price for a subscription for a definite period of time; provided, that when a public notice, required by law, to be published once a week for a given number of weeks, shall be published in a daily, triweekly, semiweekly or weekly newspaper, the notice shall appear once a week, on the same day of each week, and further provided, that every affidavit to proof of publication shall state that the newspaper in which such notice was published has complied with the provisions of this [section] **subsection**; provided further, that the duration of consecutive publication [herein] provided for **in this subsection** shall not affect newspapers which have become legal publications prior to the effective date of this section; provided, however, that when any newspaper shall be forced to suspend publication in any time of war, due to the owner or publisher being inducted into the armed forces of the United States, the [same] **newspaper** may be reinstated within one year after actual hostilities [shall] have ceased, with all the benefits [under] **provided pursuant to** the provisions of this [section] **subsection**, upon the filing with the secretary of state of notice of intention of [said] **such** owner or publisher, [his widow] **the owner's surviving spouse** or legal heirs, to republish [said] **such** newspaper, setting forth the name of the publication, its volume and number, its frequency of publication, and its readmission to the post office where it was previously entered as second class mail matter, and when it shall have a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for subscription for a definite period of time. [All laws or parts of laws in conflict with this section except sections 493.070 to 493.120, are hereby repealed.]

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, in any county of the first classification with a population in excess of one hundred seventy thousand and less than two hundred thousand which does not have a daily newspaper published within such county with a bona fide list of subscribers, located in such county, comprising at least two percent of the population, all public advertisements and orders of publication required by law to be made and all legal publications affecting the title to real estate in such county, shall be published in some daily, triweekly, semiweekly or weekly newspaper of general circulation in such county. The newspaper shall have been published regularly and consecutively for a period of two years; shall have a known office of publication in such county, open to the public, where the business or publication of the newspaper is transacted during the usual business hours; shall bear a fixed title or name, date lines and numbered volume sequence; shall be published and printed in an accepted newspaper format, generally in sheet form, standard size or tabloid size; and shall contain an average of twenty-five percent news and editorial content in its issues during any twelve month period. The term "news and editorial content" for the purpose of this section means any news, pictures, features, editorials and other matters of general interest, but shall not include advertisements, classified or display. Percentages shall be determined on the basis of the number of columns and inches published in each edition. When a public notice, required by law, to be published once a week for a given number of weeks, shall be published in a daily, triweekly, semiweekly or weekly newspaper, the notice shall appear once a week, on the same day of each week, and further provided, that every affidavit for proof of publication shall state that the newspaper in which such notice was published has complied with the provisions of this subsection."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 634**, as amended, was declared perfected and ordered printed.

Senator Maxwell moved that **SB 738**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 738, Page 2, Section 376.1243, Line 24, by adding after the word "services" the following:

"but shall not include a health maintenance organization if substantially all of its primary health care services are provided by the organization to its members at its own facilities through health care professionals who do not provide substantial health care services other than on behalf of such organization".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

Senator Maxwell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 738, Page 3, Section 376.1247, Lines 9-14, by striking all of said lines and inserting in lieu thereof the following:

"(3) Allow a covered person to seek eye care directly from a primary eye care provider not on the panel of the health benefit plan, if the plan has provisions for out-of-plan reimbursement for primary health care. The health plan may require a reasonable but higher copayment by the covered person for out- of-plan care;"; and

Further amend said section, line 29, by inserting immediately after the word "persons" the following: **". Health benefit plans may establish a protocol for the administration and delivery of primary eye care services within the plan, as long as direct access for primary eye care is maintained"**.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Quick resumed the Chair.

At the request of Senator Maxwell, **SB 738**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 945**, entitled:

An Act to repeal section 319.131, RSMo Supp. 1995, relating to environmental protection, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 980**, entitled:

An Act to repeal sections 172.035, 172.070 and 174.055, RSMo 1994, relating to the attendance at the governing

board meetings of institutions of higher education, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1099**, entitled:

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, and 266.220, RSMo 1994, and section 266.195, RSMo Supp. 1995, relating to the commercial feed law, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

M. Theresa Hupp, Republican, 4611 NW Baltimore Drive, Kansas City, Clay County, Missouri 64116, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until her successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jerry L. Leath, Republican, 17628 Myrtlewood Drive, Chesterfield, St. Louis County, Missouri 63005, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials, for a term ending February 1, 2000, and until his successor is duly appointed and qualified; vice, House Joint Resolution 38 adopted as Article XIII, Section 3, Missouri State Constitution by the voters on November 8, 1994.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 22, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sam A. Maupin, Republican, 301 W. 119th Terrace, Kansas City, Jackson County, Missouri 64145, as a member of the Elevator Safety Board, for a term ending June 6, 2000, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Richard Van Adams, Republican, 815 North Kingshighway, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Ethics Commission, for a term ending March 15, 2000; vice, Wendell Lenhart, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert S. Gardner, Republican, 715 West Broadway Boulevard, Sedalia, Pettis County, Missouri 65301-5539, as a member of the Missouri Ethics Commission, for a term ending March 15, 2000; vice, John W. Maupin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 1259**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, Dennis and Cheryl Perkins, and their children, Matthew, Jesse and Emily, home schoolers from Centralia; and Micheal Jones, Centralia; and Matthew, Jesse, Emily and Micheal were made honorary pages.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Michael Good, M.D., and his daughter, Laura, Springfield.

On behalf of Senator Singleton and herself, Senator Bentley introduced to the Senate, Jon Weeden, Missouri Southern State College, Joplin.

Senator Bentley introduced to the Senate, Kevin Edmunds, Springfield.

Senator Quick introduced to the Senate, Carol Knipp and Girl Scout Troop #608, Kansas City; and Lori Knipp, Michelle Bolliger, Shannon Braley and Liz Sherman were made honorary pages.

On behalf of Senator Staples, the President introduced to the Senate, Emily Firebaugh, Farmington.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY--TUESDAY, MARCH 26, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, in the Bible, Paul often encouraged his followers to, "comfort one another". Lord, we pray that You will help us to always be of comfort to those with whom we work. Help us to be kind and considerate and to love one another. Use us to bring a little sunshine into the lives of those with whom we deal. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Johnson offered Senate Resolution No. 1077, regarding the death of James W. Supple, St. Joseph, which was adopted.

Senator Rohrbach and Senator Lybyer offered Senate Resolution No. 1078, regarding Norma Jean Townley, Chamois, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1079, regarding Chris Rugen, California, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1080, regarding the Seventy-fifth Birthday of Mr. Paul Monroe Wilson, Boonville, which was adopted.

Senator Lybyer offered Senate Resolution No. 1081, regarding Walter E. Oestreich, Fulton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **SCR 20** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Ehlmann--1

Absent with leave--Senators--None

Senator Caskey offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the salaries of probation and parole officers do not reflect the value of their services or education to the State of Missouri; and

WHEREAS, the safety of probation and parole officers is being placed in jeopardy because of an increasing caseload, a greater number of violent offenders and inadequate equipment; and

WHEREAS, the turnover rate of probation and parole officers is significantly higher than the turnover rate of other corrections officers;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate of the 88th General Assembly, the House of Representatives concurring therein, that a joint interim committee be appointed to study the salary structure, safety, retention, case management and other related

issues involving probation and parole offices and report its findings and recommendations to the General Assembly no later than December 15, 1996.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1081--Aging, Families and Mental Health.

HB 1123--Commerce and Environment.

HB 766--Elections, Pensions and Veterans' Affairs.

HB 1248--Conservation, Parks and Tourism.

HB 1460--Agriculture and Local Government.

HB 809--Transportation.

HB 1300--Agriculture and Local Government.

HB 1346--Ways and Means.

HB 1355--Elections, Pensions and Veterans' Affairs.

HB 1221--Agriculture and Local Government.

HB 1093--Agriculture and Local Government.

HB 929--Commerce and Environment.

HB 1119--Insurance and Housing.

HB 1432--Financial and Governmental Operations.

HB 791--Education.

HB 1441--Transportation.

HB 941--Judiciary.

HB 773--Civil and Criminal Jurisprudence.

HB 992--Judiciary.

HB 974--Civil and Criminal Jurisprudence.

HCS for HBs 907 and 910--Commerce and Environment.

HS for HCS for HB 980--Education.

HCS for HB 1099--Agriculture and Local Government.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 669** and **SS** for **SB 740**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 679**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 679**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 679

An Act to repeal sections 571.020, 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1995, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Staples moved that **SCS** for **SB 679** be adopted.

Senator Staples offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 679, Page 1, In the Title, Line 5, by inserting immediately after the word "provisions" the following: "and a referendum clause"; and

Further amend said bill, page 16, section 571.094, line 37, by inserting immediately after said line the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at the primary election in August, 1996, pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the voters casting votes thereon at such election and not otherwise."

Senator Staples moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Johnson, Lybyer and Moseley.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Staples, **SB 679**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1013**, entitled:

An Act to appropriate money for real property leases, related services and utilities and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate

money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1996, and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SCS** for **SB 735**, entitled:

An Act to repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for certain sections.

With House Amendment No. 2.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Committee Substitute for Senate Bill No. 735, Page 5, Section B, Line 3, by inserting at the end of said section the following:

"The sections of Chapter 72 relating to the Fire Protection Districts shall not sunset in the year 2002.".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 634**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1082, regarding the One Hundred Second Birthday of Marion A. Hawk, Ash Grove, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 679**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Howard assumed the Chair.

Senator Caskey was recognized to interrogate Senator Kinder.

Senator Staples raised the point of order that remarks made by Senators Kinder and Caskey were out of order in that their remarks were directed toward the sponsor of the legislation rather than toward the pending amendment before the body.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

PRIVILEGED MOTIONS

Senator Flotron moved that the Senate refuse to concur in **HS** for **SB 735**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

SA 1 to **SCS** for **SB 679** was again taken up.

SA 1 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Clay	DePasco
Goode	Howard	Johnson	Lybyer
Mathewson	McKenna	Quick	Schneider
Scott	Sims	Staples	Treppler

Wiggins--17

Nays--Senators

Caskey	Curls	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Maxwell	Melton	Rohrbach
Russell	Singleton	Westfall--15	

Absent--Senators

Moseley	Mueller--2
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Absent with leave--Senators--None

Senator Caskey raised the point of order that the presiding officer had changed his vote after the request to verify the roll was made.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Scott raised the point of order that the vote change from "no" to "aye" made by Senator Howard is out of order in that it was not publicly declared.

The point of order was referred to the President Pro Tem, who took it under advisement, placing the bill, with **SCS**, on the Informal Calendar.

Senator Banks moved that **SB 488**, with **SS** (pending), be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SS for **SB 488** was again taken up.

Senator Banks offered **SS** for **SS** for **SB 488**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 488

An Act to repeal sections 43.540, 210.150, 210.245 and 610.120, RSMo 1994, and section 210.221, RSMo Supp. 1995, relating to the care or supervision of children, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Senator Banks moved that **SS** for **SS** for **SB 488** be adopted, which motion prevailed.

On motion of Senator Banks, **SS** for **SS** for **SB 488** was declared perfected and ordered printed.

Senator Curls moved that **SB 743**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 743** was again taken up.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 743, Page 2, Section 376.1100, Lines 7-28 and Page 3, Lines 1-10, by striking all of said lines and inserting in lieu thereof the following:

"(1) To the insurer that amount that the finder of fact (jury or judge) assesses as medical costs incurred by the insured due to the negligence of the named defendant;

(2) Of such amount found by the finder of fact as stated in subdivision (1) above, there shall be deducted attorneys' fees for such recovery equal to either the percentage as stated in the insured's contingency contract with the insured's attorney for contingency fee attorneys' fees, or a proration if the legal services were performed on a hourly basis. That proration being the amount assessed for necessary medical costs versus all other recovery;

(3) An additional sum shall be deducted from the insurer's amount equal to the amount of all case expenses necessitated to prosecute such lawsuit prorated between the amount received by the insured and the amount recovered by the insurer under this statute for necessary medical costs; and

(4) If there is a finding of comparative fault on the part of the insured, the recovery amount provided for in paragraph (1) shall be reduced by the same percentage as the insured's comparative fault."

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Curls moved that **SS** for **SCS** for **SB 743**, as amended, be adopted, which motion prevailed.

On motion of Senator Curls, **SS** for **SCS** for **SB 743**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SB 687**, entitled:

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact in lieu thereof eleven new sections relating to the same subject, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Bill No. 687, Page 2, Section 162.856, Lines 16-19, by striking all of said lines; and

Further amend said substitute, Page 4, Section 162.859, Lines 1-4, by striking all of said lines; and

Further amend said substitute, Page 6, Section 162.867, Line 10, by striking "**1998**" and inserting in lieu thereof "**1996**"; and

Further amend said substitute, Page 6, Section 162.867, Line 11, by striking "**1999**" and inserting in lieu thereof "**1997**"; and

Further amend said substitute, Page 6, Section 162.867, Line 12, by striking "**2000**" and inserting in lieu thereof "**1998**"; and

Further amend said substitute, Page 6, Section 162.867, Line 17, by striking said line and inserting in lieu thereof:

"2. Members shall serve terms beginning on May first".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 735**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 735**, as amended: Representatives Liese, Foley, Keeven, Levin and Murray (69).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **SCS** for **SB 735**, as amended: Senators Flotron, Mueller, Schneider, Quick and Maxwell.

SENATE BILLS FOR PERFECTION

SB 719, with **SCS**, was placed on the Informal Calendar.

SB 534 was placed on the Informal Calendar.

SJR 28 was placed on the Informal Calendar.

Senator Moseley moved that **SB 526** be taken up for perfection, which motion prevailed.

Senator Clay assumed the Chair.

Senator Howard resumed the Chair.

On motion of Senator Moseley, **SB 526** was declared perfected and ordered printed.

President Pro Tem Mathewson ruled the pending point of order on **SCS** for **SB 679** not well taken.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Schneider moved that the vote by which **SA 1** to **SCS** for **SB 679** was adopted, be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators

Bentley	Sims--2
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Absent--Senators

Curls	Treppler--2
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Absent with leave--Senators--None

SA 1 was again taken up.

Senator Staples requested a roll call vote be taken and was joined in his request by Senators Caskey, Mathewson, Mueller and Russell.

SA 1 was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
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DePasco	Goode	Howard	Johnson
Lybyer	Mathewson	McKenna	Moseley
Mueller	Quick	Schneider	Scott
Sims	Staples	Wiggins--19	

Nays--Senators

Caskey	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Maxwell	Melton	Rohrbach	Russell
Singleton	Westfall--14		

Absent--Senator Treppler--1

Absent with leave--Senators--None

At the request of Senator Staples, **SB 679**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

Senator McKenna moved that **SB 782** be taken up for perfection, which motion prevailed.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 782, Page 2, Section 185.100, Line 22, by inserting immediately after said line, the following:

"186.055. There is hereby established a special trust fund, to be known as the "Missouri Humanities Council Trust Fund", which shall consist of all moneys transferred to the fund by the board of trustees established in this section, moneys transferred to the fund pursuant to section 186.060, and any earnings resulting from the investment of moneys in the fund. The fund shall be administered by a board of trustees, consisting of the state treasurer, two members of the senate appointed by the president pro tem of the senate, two members of the house of representatives appointed by the speaker of the house and four members of the Missouri humanities council executive committee appointed by the chair of the council. Any member appointed due to such person's membership in the senate, house of representatives or humanities council shall serve only as long as such person holds the office referenced in this section. The state treasurer shall invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys in the fund shall be used solely for the promotion of the humanities in Missouri and for the administrative costs of the Missouri humanities council. **The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the Missouri humanities council trust fund shall not be transferred and placed to the credit of the general revenue fund.**"; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 782, Page 1, Section 185.100.1, Line 15, by adding the following after the word "arts": "**and humanities**"; and

Further on page 2, line 17 by adding the following after the word "council": "**and Missouri Humanities Council**".

Senator Singleton moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator McKenna, **SB 782** was declared perfected and ordered printed.

Senator Scott moved that **SB 640**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 640**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 640

An Act to repeal sections 144.748 and 144.805, RSMo 1994, relating to sales and use tax, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Was taken up.

Senator Scott moved that **SCS** for **SB 640** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 640** was declared perfected and ordered printed.

Senator Caskey moved that **SB 708**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 708**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 708

An Act to repeal sections 319.100, 319.129 and 319.133, RSMo 1994, and sections 319.131 and 319.132, RSMo Supp. 1995, relating to storage tanks, and to enact five new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 708** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 708** was declared perfected and ordered printed.

At the request of Senator Scott, **SB 793** and **SB 794**, with **SCS**, were placed on the Informal Calendar.

SB 869, with **SCS**, was placed on the Informal Calendar.

SB 838, with **SCS**, was placed on the Informal Calendar.

SB 648 was placed on the Informal Calendar.

Senator Quick moved that **SB 905** be taken up for perfection, which motion prevailed.

Senator Mathewson resumed the Chair.

At the request of Senator Quick, **SB 905** was placed on the Informal Calendar.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HCS** for **SS** for **SB 687**, as amended, and request the House to recede from its position, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1083, regarding the Church of St. Dismas, Florissant, which was adopted.

Senator DePasco and Senator Wiggins offered Senate Resolution No. 1084, regarding Floyd O. Bartch, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Maxwell introduced to the Senate, Daniel Pihstrom, Timothy Krueger, Adam Treece, Cale Hoffman, Maurine Pfuhl, Brooke Anderson and Ananda Kincaid, fourth grade students from Covenant Life Fellowship School, Kirksville.

Senator Rohrbach introduced to the Senate, fifth grade students from Trinity Lutheran School, Jefferson City; and Ryne Brown, Carissa Schlichtmann and David Bartel were made honorary pages.

Senator DePasco introduced to the Senate, Phil Young, Kansas City.

Senator Treppler introduced to the Senate, Debbie Wheelehan, St. Louis County.

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Curtis Long, Butler.

Senator Ehlmann introduced to the Senate, his mother, Mrs. Erich Ehlmann, Mrs. Ruth Bruns, Mrs. Jack Gross and Mrs. Eleanor Buzan, St. Charles.

Senator Russell introduced to the Senate, Mick Arnold and Randy Anderson, Marshfield.

Senator Klarich introduced to the Senate, Laura Murray, Union.

Senator Clay introduced to the Senate, Hope Lynn Stevenson and Myrtle Bailey, St. Louis; and Hope Lynn was made an honorary page.

On behalf of Senator Treppler and himself, Senator Flotron introduced to the Senate, Jeanne Hacker and Joanne Breckenridge, St. Louis County.

Senator Johnson introduced to the Senate, Bob Meeks, St. Joseph.

Senator Treppler introduced to the Senate, Jan Sims, and her daughter, Mindy, and Fran Mikolay, Oakville.

Senator Russell introduced to the Senate, Amber Perryman, Niangua; and Wanda Myers, Jeanette Whipple, Agnes Core and Isolene Jones, Lebanon.

Senator Klarich introduced to the Senate, Carolyn Sansone-Webb, Robbie Brouk, Anna Lippert, Monica Murray, Alice Merrill and Virginia Froelker, Franklin County.

Senator Westfall introduced to the Senate, LaRue Lemons, Lockwood; Franci Culbertson, Stockton; and Ryann Haeberle, Golden City; and Franci and Ryann were made honorary pages.

Senator Mueller introduced to the Senate, Martha Bailey, St. Louis; and Erin Gillick, Shrewsbury; and Erin was made an honorary page.

Senator Sims introduced to the Senate, Jose Diez, Spain; and Jose was made an honorary page.

Senator Mathewson introduced to the Senate, Roger Johnson, and eighth and ninth grade students from Northwestern R-I, Mendon; and Matt Mauzey, Jordan Gray, Gina Reigelsberger and Sabrina Summers were made honorary pages.

Senator Ehlmann introduced to the Senate, Kristi Hummel, St. Charles; and Kristi was made an honorary page.

Senator Howard introduced to the Senate, Samantha Mitchell, Christin Dalaviras and Paulette Burns, Poplar Bluff; and Beth Hester and Cynthia Dowdy, Dexter.

Senator Sims introduced to the Senate, Peggy Bowe, and Brownie Troop #2637, St. Louis; and Liz Bowe, Brittney Wilkins, Mariya Dryga and Evan Goodman were made honorary pages.

Senator Staples introduced to the Senate, students from Alton Elementary School, Alton.

Senator Ehlmann introduced to the Senate, Dan Foust, Jr., Beth Cooney, Amy McLean and Elain Hill, St. Charles.

Senator Treppler introduced to the Senate, Steven D. Brady, Jonathan Boesch and Michael Kempf, St. Louis Community College, Meramec.

Senator Klarich introduced to the Senate, students from Westridge Elementary, West St. Louis County.

Senator Westfall introduced to the Senate, Charles and Joyce Maynard, Sheldon.

Senator Moseley introduced to the Senate, a delegation from EXCEL, Randolph County.

Senator Treppler introduced to the Senate, Winnie Anthes and Mary Heiniger, Webster Groves.

Senator Staples introduced to the Senate, Mr. and Mrs. Joe Fallert, Jr., St. Genevieve.

Senator Klarich introduced to the Senate, Chris Arand, Cheryl Collier, Scot Monda, Nicole Trentman, Pamela Helmich and Kevin Eusterbrock, Union.

Senator Staples introduced to the Senate, Jerry Nesbit, Farmington.

Senator Russell introduced to the Senate, Gary and David Brown, Richland; Mike Day, Lebanon; and Dale Hyde, Marshfield.

Senator Caskey introduced to the Senate, Carl Hull, Clinton.

Senator Russell introduced to the Senate, George Lawler, and students from Mountain Grove Christian Academy, Mountain Grove.

Senator Bentley introduced to the Senate, Tom Underwood, Springfield.

Senator Quick introduced to the Senate, Mr. Frauseen and Mr. David Curray, Eagle Heights Christian School, Clay County.

Senator Treppler introduced to the Senate, Mike Pourney and Lou Chiodini, St. Louis County.

Senator Mueller introduced to the Senate, seventy-five fourth grade students from Edgar Road Elementary School, St. Louis.

Senator Clay introduced to the Senate, Frankie Muse Freeman, St. Louis.

On behalf of Senator Mathewson, the President introduced to the Senate, Judge Mary Rhodes-Russell, St. Louis.

Senator Treppler introduced to the Senate, Anita Yeckel, St. Louis.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SIXTH DAY--WEDNESDAY, MARCH 27, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, to Isaiah You said, "My house shall be a house of prayer to all people." We are thankful for the privilege of prayer, for this quiet time each morning to acknowledge that we are all Your children. We are thankful that You invite all people to pray. Help us to include all people in our plans. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1085, regarding the One Hundred Fiftieth Anniversary of the Liberty Tribune, which was adopted.

REFERRALS

On behalf of President Pro Tem Mathewson, Senator Banks referred **SB 669** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator Lybyer moved that **SB 504**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 504, Page 5, Section 313.385, Line 33, by adding after the word "homes" the following: "**and cemeteries**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 504, Page 4, Section 313.835, Line 27, by inserting after the word "funds" the following: "**in an amount not to exceed ten million dollars per fiscal year**"; and

Further amend said bill, Page 5, Section 313.835, Line 39, by inserting after the word "fund." the following: "**Any excess funds shall be retained in the gaming commission fund and used for paying the cost of enforcement furnished by the Missouri highway patrol on excursion gambling boats. If such funds are insufficient to cover all of such enforcement costs, the balance of the amount needed to pay such enforcement costs shall be divided equally among the operators of excursion gambling boats and paid into the gaming commission fund.**"; and

Further amend said bill, Page 5, Section 313.835, Line 42, by inserting an opening bracket "[" before the number "2."; and

Further amend said bill, Page 46, Section 313.835, Line 46, by inserting a closing bracket "]" after the period "." at the end of said line.

Senator Scott moved that the above amendment be adopted.

Senator Staples assumed the Chair.

President Wilson assumed the Chair.

Senator Quick assumed the Chair.

At the request of Senator Lybyer, **SB 504**, with **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

Senator Caskey moved that **SB 852**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 852** was again taken up.

At the request of Senator Caskey, the above substitute was withdrawn.

Senator Caskey offered **SS No. 2** for **SB 852**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE BILL NO. 852

An Act to repeal sections 137.073, 163.011, 163.031, 165.051 and 165.111, RSMo 1994, and sections 164.011 and 165.011, RSMo Supp. 1995, relating to the use of public school funds, and enacting eight new sections relating to the same subject, with an emergency clause.

Senator Caskey moved that **SS No. 2** for **SB 852** be adopted.

Senator Johnson assumed the Chair.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 852, Page 35, Section 165.016, Line 24 of said page, by inserting immediately after "staff," the following: "**at least seventy-eight percent or**".

Senator McKenna moved that the above amendment be adopted.

Senator Russell offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 852, Page 36, Section 165.016, Line 13 of said page, by striking "seventy-five" and inserting in lieu thereof "**seventy**".

Senator Russell moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **SB 852**, with **SS No. 2**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1295**, entitled:

An Act to amend chapter 41, RSMo, relating to military affairs, by adding thereto one new section relating to the search of persons upon military facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1101**, entitled:

An Act to repeal sections 306.031, 306.060, 306.122, 306.126, 306.142, 306.147, 306.550, and 306.903, RSMo Supp. 1995, relating to watercraft, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1171**, entitled:

An Act to repeal section 620.158, RSMo 1994, relating to the Missouri rural economic development council, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1524**, entitled:

An Act to repeal sections 137.555, 231.450 and 231.455, RSMo 1994, relating to funds for county roads and bridges, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1362**, entitled:

An Act to repeal sections 197.305 and 344.030, RSMo 1994, relating to nursing facilities, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1168**, entitled:

An Act relating to Missouri's peace officers memorial day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 956**, entitled:

An Act to repeal section 89.090, RSMo 1994, relating to certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1117**, entitled:

An Act relating to the leasing of certain property of the division of youth services.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1523**, entitled:

An Act to amend chapter 610, RSMo, relating to governmental records by adding thereto one new section, relating to certain public school records.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1055**, entitled:

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1537**, entitled:

An Act to repeal sections 337.500, 337.505 and 337.510, RSMo 1994, relating to professional counselors, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1359**, entitled:

An Act to repeal section 37.005, RSMo 1994, relating to the disposition of state property, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1566**, entitled:

An Act to repeal section 332.072, RSMo Supp. 1995, relating to certain services performed by dental hygienists, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1428**, entitled:

An Act to repeal section 58.095, RSMo 1994, relating to county coroners, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1473**, entitled:

An Act to repeal section 334.040, as enacted by house bill no. 590 in the eighty- seventh general assembly and section 334.046, RSMo 1994, relating to physicians and surgeons, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1110**, entitled:

An Act to repeal sections 326.060, 326.130, 326.200 and 326.210, RSMo 1994, relating to the licensing of public accountants, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1076**, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays, by adding thereto one new section relating to Pearl Harbor Remembrance Day.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1166**, entitled:

An Act to repeal section 161.415, RSMo 1994, relating to scholarships, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1420**, entitled:

An Act to repeal section 137.021, RSMo 1994, relating to assessment procedures for certain agricultural land, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1305**, entitled:

An Act to repeal sections 263.190, 263.200 and 263.450, RSMo 1994, relating to weeds, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1440**, entitled:

An Act to repeal section 351.267, RSMo 1994, relating to certain telephone companies, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1315**, entitled:

An Act to repeal section 302.181, RSMo Supp. 1995, relating to motor vehicle operator licenses, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1477**, entitled:

An Act to repeal sections 115.611 and 115.613, RSMo 1994, relating to elections, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1131**, entitled:

An Act relating to the civil air patrol.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1369**, entitled:

An Act to repeal section 304.022, RSMo Supp. 1995, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1431**, entitled:

An Act relating to the conveyance of certain real property of the state of Missouri located in Buchanan County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1304**, entitled:

An Act to amend chapter 190, RSMo, relating to emergency telephone services by adding thereto one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1260**, entitled:

An Act to repeal section 640.100, RSMo Supp. 1995, relating to the safe drinking water commission, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1564**, entitled:

An Act to repeal section 214.270, RSMo 1994, relating to endowed care cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1533**, entitled:

An Act to repeal section 43.543, RSMo 1994, relating to agency reporting requirements, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1223**, entitled:

An Act to repeal section 144.069, RSMo 1994, relating to sales taxes on motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 819**, entitled:

An Act relating to Southern Regional Emergency Management Compact.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1286**, entitled:

An Act to repeal section 473.740, RSMo Supp. 1995, relating to salaries for public administrators, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 976**, entitled:

An Act to repeal section 32.055, RSMo 1994, relating to motor vehicle records, and to enact in lieu thereof three new

sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1376** and **1501**, entitled:

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo 1994, relating to special education due-process hearings, and to enact in lieu thereof four new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Mathewson referred **SB 952** to the Committee on State Budget Control.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1086, regarding the Fatima Comets Boys Basketball Team of the Osage County R-III School District, which was adopted.

Senator Scott offered Senate Resolution No. 1087, regarding Mr. Dennis P. Long, St. Louis, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SB 687**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 8**.

HOUSE CONCURRENT RESOLUTION NO. 8

WHEREAS, Burlington Northern Santa Fe Corporation (BNSF) has recently announced that it will close three of its fourteen system locomotive maintenance shops as part of a streamlining effort; and

WHEREAS, one of the maintenance shops scheduled to be shut down is the Springfield, Missouri, shop, which employs some 237 workers; and

WHEREAS, the closing of BNSF's Springfield maintenance facility will result in the loss of jobs and will have a substantially negative impact on the Springfield economy; and

WHEREAS, the safety and service records of the machinists, electricians, boilermakers, laborers, sheet metal workers, car men, and supervisors at the Springfield maintenance shop have been above the BNSF average;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, hereby oppose the scheduled closing of the Springfield, Missouri, locomotive maintenance shop, and further call upon Burlington Northern Santa Fe Corporation to strongly reconsider its decision to reduce the Springfield facility to a locomotive service facility; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for Burlington Northern Santa Fe Corporation and for Union Brotherhood of Maintenance of Way, Springfield, Missouri.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 6**.

HOUSE CONCURRENT RESOLUTION NO. 6

BE IT RESOLVED by the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, that the Missouri Secretary of State prepare and cause to be collated, indexed, printed and bound, all acts and resolutions of the Eighty-eighth General Assembly, First and Second Regular Sessions and extra sessions, if any, and examine the printed copies and compare them with and correct the same by the original rolls, note all errors, if any, which have been committed and cause errata thereof to be annexed to the completed printed copies, together with an attestation under the hand of the Secretary of State that she has compared the same and the original rolls in her offices and has corrected the same thereby; and

BE IT FURTHER RESOLVED that the size and quality of the paper and binding be substantially the same as used in prior session laws and the size and style of type be determined by the Secretary of State; and

BE IT FURTHER RESOLVED that the Secretary of State be authorized to print and bind up to two thousand five hundred (2,500) copies of the acts and resolutions of the Eighty-eighth General Assembly with appropriate indexing.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 4**.

HOUSE CONCURRENT RESOLUTION NO. 4

WHEREAS, most all necessities essential to man's survival stem from the soil, and the survival and success of nations is largely dependent on their ability to manage the resources provided by the soils within their borders; and

WHEREAS, agriculture forms the basis for the development, maintenance, and survival of any modern society; and

WHEREAS, citizens must be able to relate to these truisms to their own success and welfare in order to assure a cooperative, conflict-free relationship between urban and rural communities; and

WHEREAS, it is important that the agricultural community be a proactive force in the education of the urbanite and those members of the rural population who are unfamiliar with the role of agriculture in the preservation of their welfare and that of the nation; and

WHEREAS, although Missouri is one of the most agriculturally diverse states in the nation, little has been done to educate its citizens as to their total dependence on farmers and ranchers; and

WHEREAS, since the third generation without exposure to the farm is now growing up in the state's urban areas, little comprehension exists among this group concerning the tie that exists between the remote farmer/rancher and the dinner table; and

WHEREAS, because of information provided by various activists/environmentalists which has often been inaccurate, incomplete, or misleading, the farmer/rancher is often perceived as the enemy rather than the benefactor of mankind; and

WHEREAS, in order to correct these deficiencies in the public understanding and perception, a number of key leaders and organizations have voiced their support for the establishment of a combined Living History Farm and Agriculture Learning Center in Missouri; and

WHEREAS, this innovative Living History Farm and Agricultural Learning Center would be dedicated to the goal of educating consumers as to Missouri's wealth of agricultural products and the importance of these products in their everyday lives, and would also seek to preserve the skills, knowledge, and artifacts of previous generations of Missouri farmers and ranchers; and

WHEREAS, the proposed Agricultural Learning Center would be the most modern and effective in the nation, and would provide Missouri's forty-three commodity groups with the opportunity to tell their own story concerning the importance of their product; and

WHEREAS, the proposed Missouri Living History Farm and Agricultural Learning Center project has garnered a great deal of support and interest from both the private and public sectors, but still requires knowledgeable leadership to coordinate the efforts of these interested parties; and

WHEREAS, this leadership would best be provided by the Missouri Department of Agriculture, which has access to the largest body of knowledge and expertise pertaining to Missouri agriculture:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, hereby petition the Department of Agriculture to serve as the coordinating body for the initiation of the proposed Missouri Living History Farm and Agriculture Learning Center and in this capacity, form a study group to examine the value and feasibility of this project; and

BE IT FURTHER RESOLVED that in accepting this role, the Department of Agriculture be given full authority to call together all interested parties, to obtain firm commitments from these parties as to precisely what contributions and assistance they will provide toward the project's completion, and to then determine to what degree the project is workable; and

BE IT FURTHER RESOLVED that in serving as the coordinating body for the Missouri Living History and Agriculture Learning Center project, the Department of Agriculture determine project feasibility based upon the heretofore established plan which provides that the project be funded solely through non-governmental contributions; and

BE IT FURTHER RESOLVED that the Department of Agriculture report its findings together with recommendations for any action it deems appropriate to the Missouri General Assembly; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Missouri Department of Agriculture, Mr. John Saunders, Director.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 868**; **SB 952**; and **SS** for **SCS** for **SB 722**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 782**; **SS** for **SS** for **SB 488**; **SB 526**; **SCS** for **SB 640**; **SCS** for **SB 708**; and **SS** for **SCS** for **SB 743**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

CONFERENCE COMMITTEE REPORTS

Senator Flotron, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SCS** for **SB 735**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR
HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 735

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for Senate Committee Substitute for Senate Bill No. 735, with House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for Senate Committee Substitute for Senate Bill No. 735; with House Amendment No. 2;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 735;
3. That the attached Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 735, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Franc Flotron /s/ Chris Liese

/s/ John D. Schneider /s/ Ronald P. Keeven

/s/ Walt Mueller /s/ James M. Foley

/s/ Ed Quick /s/ David Levin

/s/ Joe Maxwell /s/ Dana Murray

Senator Flotron moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Clay	Curls	Ehlmann	Melton
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Schneider Sims--6

Absent with leave--Senators--None

On motion of Senator Flotron, **CCS** for **HS** for **SCS** for **SB 735**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 735

An Act to repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Bentley	Curls	Ehlmann	Lybyer
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Schneider--5

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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DePasco	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Curls	Ehlmann	Graves	Lybyer
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Schneider--5

Absent with leave--Senators--None

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 795, 542** and **563**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 795, 542 and 563

An Act to repeal sections 137.073, 151.150, 163.011, 163.021, 163.025 and 164.073, RSMo 1994, relating to state aid for public schools, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

On motion of Senator Maxwell, **SS** for **SCS** for **SBs 795, 542** and **563** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

Senator Wiggins resumed the Chair.

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

REFERRALS

President Pro Tem Mathewson referred **SCS** for **SB 640** and **SB 782** to the Committee on State Budget Control.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 722**, introduced by Senator Moseley, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to repeal sections 43.506, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.540, 302.541, 479.040, 577.001, 577.012, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171 and 302.302, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Moseley, **SS** for **SCS** for **SB 722** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Howard	McKenna	Rohrbach--3
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Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

SB 802, introduced by Senators Johnson and Russell, entitled:

An Act to repeal section 105.950, RSMo 1994, relating to benefits for public officers and employees, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Johnson.

On motion of Senator Johnson, **SB 802** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator Mueller--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 854, introduced by Senator Moseley, entitled:

An Act to repeal section 260.700, RSMo 1994, relating to the midwest interstate compact on low-level radioactive waste, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Moseley, **SB 854** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Clay	Ehlmann	Goode	Melton
Schneider	Sims--6		

Absent--Senator Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 952, introduced by Senator Mathewson, entitled:

An Act to repeal section 198.439, RSMo 1994, relating to nursing facility reimbursement allowance, and to enact one new section relating to the same subject.

Was taken up.

On motion of Senator Mathewson, **SB 952** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Banks Curls--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

SS for **SB 740**, introduced by Senator Maxwell, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 740

An Act to repeal section 292.602, RSMo 1994, and to enact in lieu thereof three new sections relating to emergency management.

Was taken up.

On motion of Senator Maxwell, **SS** for **SB 740** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 634, introduced by Senator Quick, entitled:

An Act to repeal sections 493.027, 493.030 and 493.050, RSMo 1994, relating to legal publications in first class counties, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Quick, **SB 634** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer

Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators

Klarich	Russell--2
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Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that **SB 868**, as amended, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Schneider, **SB 868**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Flotron	McKenna--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 679**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 679**, as amended, was again taken up.

Senator Moseley offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 13, by striking the opening bracket "["; and further amend said line by striking the following: "]" and"; and further amend said line by striking the following: "or brandishes".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Wiggins offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 24, by striking the opening bracket "[" and inserting in lieu thereof the following: ", **or into any stadium, or into any tavern, or into any liquor store**"; and further on line 25, by striking the closing bracket "]"

Senator Wiggins moved that the above amendment be adopted.

Senator Moseley offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT 3

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 24, by inserting immediately after the word "thereof" the following: ", **or into any stadium, liquor store, bar or tavern or amusement parks**"; and

Further amend said bill, page 14, section 571.091, line 175, by inserting immediately after "thereof" the following: ", **or into any stadium, liquor store, bar or tavern or amusement parks**".

Senator Moseley moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 679, Page 14, Section 571.091, Line 181, by inserting immediately after said line the following:

"18. All citizens, merchants, not for profit entities, public bodies, or amusement parks have the right to deny access to persons who attempt to carry concealed firearms into buildings they own or lease. A sign indicating such a prohibition should be clearly visible at all entrances. Persons who enter, in violation of this prohibition, are guilty of the infraction of trespass. The third such violation constitutes a class C misdemeanor and the permittee shall have his permit revoked and shall not be eligible to reapply for a permit for three years from the date of such violation."

Senator Klarich moved that the above amendment be adopted.

Senator Moseley offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 679, Page 16, Section 571.094, Line 37, by inserting immediately after said line the following:

"Section 1. All citizens, merchants, not for profit entities, amusement parks, or public bodies have the right to deny access to persons who attempt to carry concealed firearms into buildings they own or lease. A uniform sign, designed by the department of public safety, stating "No CCW" shall be posted and shall be clearly visible at all entrances. Persons who enter in violation of this section shall be guilty of a class C misdemeanor.

Section 2. No owner of a restaurant, at which prepared meals or food is sold for consumption on the premises, or owner of a business, shall be held civilly or criminally liable for any injury or death that results from the use of a concealed firearm by a patron of such restaurant or business on the premises of such restaurant or business."; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 679, Page 11, Section 571.091, Lines 42-43, by striking the following: "at one of the Missouri state highway patrol troop headquarters. The highway patrol" and inserting in lieu thereof the following: **"to the sheriff in the county where the applicant resides. The sheriff"**; and further on line 53, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 54, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 58, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 60, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 62, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 65, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on line 69, by striking the words "highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on pages 11-12, lines 76-77, by striking the words "a highway patrol officer" and inserting in lieu thereof the words **"the sheriff"**; and further on page 12, line 81, by striking the words "The Missouri state highway patrol" and inserting in lieu thereof the words **"Each sheriff"**; and further on lines 92-93, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the word **"sheriff"**; and further on lines 94-95, by striking the words "general revenue for use by the Missouri state highway patrol" and inserting in lieu thereof the words **"the county"**; and further on lines 97-98, by striking the following: ", notwithstanding the provisions of section 590.145, RSMo"; and further on line 102, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the following: **"county where such permit is renewed"**; and further on line 103, by

striking the words "highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on line 106, by striking the words "highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on line 107, by striking the words "highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on lines 110-111, by striking the words "Missouri state highway patrol troop headquarters where the permit was issued" and inserting in lieu thereof the following: "**sheriff who issued the permit**"; and further on page 13, line 112, by striking the words "a highway patrol officer" and inserting in lieu thereof the words "**the sheriff**"; and further on line 115, by striking the words "highway patrol officer" and inserting in lieu thereof the word "**sheriff**"; and further on line 117, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on line 123, by striking the words "highway patrol nor any patrol officer" and inserting in lieu thereof the words "**sheriff nor any designee**"; and further on line 124, by striking the words "highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on line 133, by striking the words "highway patrol's" and inserting in lieu thereof the word "**sheriff's**"; and further on line 142, by striking the words "Missouri State Highway Patrol" and inserting in lieu thereof the word "**Sheriff**"; and further on line 149, by striking the words "Missouri State Highway Patrol" and inserting in lieu thereof the following: "**Sheriff of County, Missouri**"; and further on lines 153-154, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on line 157, by striking the words "Missouri state highway patrol" inserting in lieu thereof the word "**sheriff**"; and further on lines 158-159, by striking the words "highway patrol" and inserting in lieu thereof the word "**sheriff**"; and further on lines 165-169, by striking all of said lines; and further on line 170, by striking the number "16" and inserting in lieu thereof the number "**15**"; and further on line 176, by striking the number "17" and inserting in lieu thereof the number "**16**"; and further on line 177, by striking the words "Missouri state highway patrol" and inserting in lieu thereof the word "**sheriff**".

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 38, by striking the period "." and inserting in lieu thereof the following: "**; or**

(12) Carries concealed on or about his person a firearm within six hundred feet of a school, hospital or health clinic."; and further on line 39, by striking "and (11)" and inserting in lieu thereof the following: "**, (11) and (12)**"; and

Further amend said bill and section, page 5, line 80, by striking "or (8)" and inserting in lieu thereof the following: "**, (8) or (12)**".

Senator Johnson moved that the above amendment be adopted.

At the request of Senator Johnson, **SA 6** was withdrawn.

Senator Quick offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 679, Page 14, Section 571.091, Line 176, by inserting immediately after "17." the following: "**No permit issued pursuant to this section shall authorize any person to carry a concealed firearm or any other weapon readily capable of lethal use onto any other person's private property without the express permission of the owner or legal occupant of such property. Any person violating this subsection is guilty of a class D felony.**

18.".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 679, Page 11, Section 571.091, Line 48, by inserting immediately after the comma "," on said line, the following: **"the description of the firearm for which the applicant requests a permit,"**.

Senator Banks moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Johnson offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 38, by striking the period "." and inserting in lieu thereof the following: **"; or**

(12) Carries concealed on or about his person a firearm within three hundred feet of a school or health clinic."; and further on line 39, by striking "and (11)" and inserting in lieu thereof the following: **", (11) and (12)";** and

Further amend said bill and section, page 5, line 80, by striking "or (8)" and inserting in lieu thereof the following: **", (8) or (12)".**

Senator Johnson moved that the above amendment be adopted.

At the request of Senator Johnson, **SA 9** was withdrawn.

Senator Banks offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bill No. 679, Page 1, Section 571.020, Line 1, by inserting immediately before said line the following:

"21.750. 1. The general assembly hereby occupies and preempts the entire field of legislation touching in any way firearms, components, ammunition and supplies to the complete exclusion of any order, ordinance or regulation by any political subdivision of this state. Any existing or future orders, ordinances or regulations in this field are hereby and shall be null and void except as provided in subsection 3 of this section.

2. No county, city, town, village, municipality, or other political subdivision of this state shall adopt any order, ordinance or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes or other controls on firearms, components, ammunition, and supplies except as provided in subsection 3 of this section.

3. Nothing contained in this section shall prohibit:

(1) Any ordinance of any political subdivision which conforms exactly with any of the provisions of sections 571.010 to 571.070, RSMo, with appropriate penalty provisions[,]; or

(2) Any ordinance which regulates the open carrying of firearms readily capable of lethal use or the discharge of firearms within a jurisdiction[. This section shall take effect on January 1, 1985.] ; or

(3) Any ordinance enacted by a county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants, or a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county, or a city not within a county which regulates the concealed carrying of firearms readily capable of lethal use." ; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Russell, Staples, Caskey and Moseley.

SA 10 failed of adoption by the following vote:

Yeas--Senators

Banks	Bentley	Curls	Goode
Johnson	Moseley	Mueller	Scott
Sims	Wiggins--10		

Nays--Senators

Caskey	Clay	DePasco	Ehlmann
Flotron	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Rohrbach	Russell	Singleton	Staples
Treppler	Westfall--22		

Absent--Senators

Quick	Schneider--2
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Absent with leave--Senators--None

Senator Johnson offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 38, by striking the period "." and inserting in lieu thereof the following: "**; or**

(12) Carries concealed on or about his person a firearm within three hundred feet of a school or health clinic."; and further on line 39, by striking "and (11)" and inserting in lieu thereof the following: "**, (11) and (12)**"; and

Further amend said bill and section, page 5, line 80, by striking "or (8)" and inserting in lieu thereof the following: "**, (8) or (12)**"; and

Further amend said bill and section, page 4, line 73, by striking "(10)" and inserting in lieu thereof the following: "**(12)**".

Senator Johnson moved that the above amendment be adopted, which motion failed.

Senator Moseley offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 679, Page 3, Section 571.030, Line 37, by striking the words ", or a valid permit" from said line and inserting in lieu thereof a period "."; and further on line 38, by striking all of said line.

Senator Moseley moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Moseley offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for Senate Bill No. 679, Page 4, Section 571.030, Line 59, by inserting immediately after the semicolon ";" the word "**and**"; and further on line 60, by placing an opening bracket "[" immediately before the semicolon ";"; and further on line 63, by placing a closing bracket "]" immediately before the period "." on said line.

Senator Moseley moved that the above amendment be adopted, which motion failed.

Senator Moseley offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for Senate Bill No. 679, Page 5, Section 571.030, Line 86, by placing an opening bracket "[" before the word "Violations"; and further on line 101, by striking the opening bracket "["; and further on said line by striking the number "7."; and further on line 104, by striking the number "6" and inserting in lieu thereof the number "**5**".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Staples moved that **SCS** for **SB 679**, as amended, be adopted, which motion prevailed on a standing division vote.

Senator Staples moved that **SCS** for **SB 679**, as amended, be declared perfected and ordered printed.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Kenney, Klarich, Mathewson and Staples.

The motion made by Senator Staples for perfection of **SCS** for **SB 679**, as amended, failed by the following vote:

Yeas--Senators

Bentley	DePasco	House	Howard
Johnson	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Scott	Staples	Treppler	Wiggins--16

Nays--Senators

Banks	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
Kenney	Kinder	Klarich	Melton

Russell Schneider Sims Singleton

Westfall--17

Absent--Senator Lybyer--1

Absent with leave--Senators--None

Senator Mathewson moved that, under the provisions of Senate Rule 48, permission be given for the introduction of a senate bill, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Lybyer	Scott--3
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Absent with leave--Senators--None

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 981--By Goode, Sims, Mathewson, Banks, Schneider, Wiggins, Lybyer, Staples, Howard, House, Ehlmann, Westfall, Mueller, Curls, Russell, Clay, Quick, Moseley, Johnson, Flotron, Scott, McKenna, Maxwell, Klarich and DePasco.

An Act to repeal section 144.748, RSMo 1994, relating to use tax, and to enact in lieu thereof one new section relating to the same subject.

REFERRALS

President Pro Tem Mathewson referred **SS** for **SS** for **SB 488** to the Committee on State Budget Control.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 687**, as amended: Senators Goode, Klarich, Lybyer, Sims and Schneider.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 687**, as amended: Representatives Lumpe, Days, Green, Secrest and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **SCS** for **SB 735** and has taken up and passed **CCS** for **HS** for **SCS** for **SB 735**.

Emergency clause adopted.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1088, regarding the One Hundredth Birthday of Lois C. Wooderson, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1089, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delmar Fenimore, Bethany, which was adopted.

Senator Graves offered Senate Resolution No. 1090, regarding the One Hundred Seventh Birthday of Elsie R. Dawson, Paris, which was adopted.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1091

WHEREAS, Japan is one of Missouri's largest international trading partners; and

WHEREAS, the Missouri State Government operates a trade office in Tokyo; and

WHEREAS, passenger air service between the United States and Japan is regulated and restricted by a bilateral agreement concluded between the two governments in 1952, before the advent of jet transportation; and

WHEREAS, the existing U.S.-Japan aviation agreement allows only twelve U.S. cities to have direct passenger air service to Japan; and

WHEREAS, a new coalition of businesses and labor and political leaders has been formed to liberalize the 1952 aviation agreement and permit more flights from more cities connecting the United States with Japan; and

WHEREAS, this coalition is known as "ACCESS U.S.-Japan", (the Aviation Coalition for Competition and Expanded Services Between the United States and Japan), and is chaired by Gerald L. Baliles, the former Governor of the Commonwealth of Virginia; and

WHEREAS, the Governor of Missouri, Mel Carnahan, is a founding member of ACCESS U.S.-Japan; and

WHEREAS, the restrictive aviation agreement now in force with Japan does not permit Missouri airports to offer flights to Japan; and

WHEREAS, because of the restrictive agreement now in force, passengers must pay between twenty-five and sixty percent higher fare rates per mile for flights to Japan as compared with flights to other major international destinations; and

WHEREAS, Trans World Airlines, headquartered in St. Louis, has applied to the United States Department of Transportation to be granted authority to operate nonstop service between St. Louis and Tokyo, and between St. Louis and Osaka; and this application has received formal support from ACCESS U.S.-Japan; and

WHEREAS, an economic study by Coopers & Lybrand L.L.P. has determined that one flight per day from Tokyo to St. Louis would generate an additional \$500 million per year in economic activity for the St. Louis area; and

WHEREAS, Coopers & Lybrand's economic study has determined that a liberalized aviation agreement between the United States and Japan would generate an additional \$9 billion per year throughout the United States; and

WHEREAS, the President of the United States, William J. Clinton, will travel to Tokyo in April, 1996, for a State Visit, one which will include policy discussions with the Japanese Prime Minister:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby urge President Clinton to seek immediate commencement of negotiations with Japan to liberalize the United States-Japan passenger aviation agreement during his upcoming State Visit to Japan; and

BE IT FURTHER RESOLVED that the Missouri Senate memorialize the United States Department of Transportation to grant Trans World Airlines' application for authority to offer air service connecting St. Louis with Tokyo and Osaka, Japan; and

BE IT FURTHER RESOLVED that the Missouri Senate support the efforts of ACCESS U.S.-Japan to promote tourism, trade, and economic growth in Missouri and throughout the United States through expanded aviation service between the United States and Japan; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for President William J. Clinton, for each member of the Missouri Congressional delegation, for the United States Department of Transportation, for Trans World Airlines of St. Louis, and for ACCESS U.S.-Japan, the Honorable Gerald L. Baliles, Chairman.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **CCS** for **HS** for **SCS** for **SB 735**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mathewson assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **HS** for **SCS** for **SB 735**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, sixty-five fourth grade students from Halls Ferry Elementary School, Florissant; and Cameron Roberson, Suzzi Cadwell, Eric Ferguson and Kimberli Hillard were made honorary pages.

Senator Kinder introduced to the Senate, Cheryl Smith and her son Stephen, Cape Girardeau; and Stephen was made an honorary page.

Senator Westfall introduced to the Senate, Kurt Frieden, Lamar.

Senator McKenna introduced to the Senate, Patricia Stewart and Janine Bell, Jefferson County.

Senator Sims introduced to the Senate, Charles, Stephanie and Sean Harris, St. Louis; and Stephanie and Sean were made honorary pages.

Senator Singleton introduced to the Senate, Cheryl and Max Roark, Aaron Weibel and Bruce Anderson, Seneca.

On behalf of Senators Curls, Wiggins, DePasco, Quick and himself, Senator Kenney introduced to the Senate, Tony Chiaverini and Skip Hutton, Kansas City.

Senator House introduced to the Senate, the Physician of the Day, Dr. George Workman, Montgomery County.

Senator Melton introduced to the Senate, Anita Philbrick, Karen Rosewicz, Becky Henningson, Annette Pry and Sandy Fitzpatrick, Cassville.

Senator Caskey introduced to the Senate, Debbie Boin and Rita Dyson, Osceola; Elzie Berry, Calhoun; and Diana Gladfelter, Millie Henson and Kay Dewees, Warrensburg.

Senator Moseley introduced to the Senate, Rod Casey and Don Stamper, Columbia.

Senator Johnson introduced to the Senate, thirty-five eighth grade students from St. Therese Catholic School, Parkville; and Kyle Sebus, Brooke Still, Katy Vogt and Jessica Baker were made honorary pages.

Senator DePasco introduced to the Senate, Donna Boley, Kansas City.

Senator Singleton introduced to the Senate, Mike Snow, Neosho.

Senator Klarich introduced to the Senate, Margaret Bilderback, Sue Hensley, Debbie Yount, Jerry Noble and Mike Jarvis, Potosi; Cyrilla Boyer, Cadet; and Rose Ann Richards, Blackwell.

Senator Schneider introduced to the Senate, fifty fourth grade students from Robinwood Elementary School, Florissant; and Lindsey Schramm, Amanda Deidrick, Christin Behlmann and Katelyn Reale were made honorary pages.

Senator Kinder introduced to the Senate, Jean Hearnese and Donna Komorech, Cape Girardeau.

Senator Moseley introduced to the Senate, Calene Cooper, Nancy Gerardy, Dorothy Grant, Judy Parsons, Megan Pursifull, Sandra Twenter and Marilyn Skipper, Columbia.

Senator Melton introduced to the Senate, Barbara Hicks and Jane Bailey, Willow Springs.

Senator Rohrbach introduced to the Senate, MSTA members from the Iberia School District.

Senator Russell introduced to the Senate, Mr. and Mrs. Lee Eaton, Lebanon.

Senator Kenney introduced to the Senate, his wife, Sandi, and their children, Carlton, Elizabeth and Billy, Lee's Summit; and Elizabeth and Carlton were made honorary pages.

Senator Sims introduced to the Senate, the Honorable Judge Timothy Wilson, St. Louis.

Senator Mathewson introduced to the Senate, Janet Himmelberg, and twenty eighth grade students from Keytesville Middle School, Keytesville; and Susan Atkinson, James Shannon, Katherine Sommerfeld and Britton Bowers were made honorary pages.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SEVENTH DAY--THURSDAY, MARCH 28, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, give to us a sense of what is right and truly worthwhile. Give to us also the strength and wisdom to pursue these virtues with all the power that is available to us. With Your help we will be successful. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1092, regarding Mr. Thom Sanders, Louisiana, which was adopted.

Senator House offered Senate Resolution No. 1093, regarding Major Guy LoFaro, United States Army, which was

adopted.

Senator Flotron offered Senate Resolution No. 1094, regarding Dr. Barbara Farr Fulton, Chesterfield, which was adopted.

Senator Banks offered Senate Resolution No. 1095, regarding the One Hundredth Birthday of Mrs. Hester Rachel Walls Davis, City of St. Louis, which was adopted.

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 981--Ways and Means.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert S. Gardner and Richard Van Adams, as members of the Missouri Ethics Commission;

Also,

Barbara Westhues, as a member of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Steven P. Gietschier, Bonita M. Stepenoff, Eddie G. Brooks, Sr., Gracia Y. Backer and Benedict K. Zobrist, as members of the Missouri State Historical Records Advisory Board;

Also,

M. Elise Crain, as a member of the Missouri Commission on Human Rights;

Also,

Stephen D. Paulsell, as a member of the Missouri Emergency Response Commission;

Also,

Lawrence Myles Gerstein, D.C., as a member of the State Board of Chiropractic Examiners.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Flotron moved that **SB 898** be taken up for perfection, which motion prevailed.

President Wilson assumed the Chair.

On motion of Senator Flotron, **SB 898** was declared perfected and ordered printed.

Senator Treppler moved that **SB 510**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 510**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 510

An Act to repeal section 302.292, RSMo, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers for safety purposes, with penalty provisions and an effective date.

Was taken up.

Senator Quick assumed the Chair.

Senator Treppler moved that **SCS** for **SB 510** be adopted.

Senator Treppler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 510, Page 2, Section 302.174, Line 35, by striking the word "other" and inserting in lieu thereof the words "**of the**".

Senator Treppler moved that the above amendment be adopted, which motion prevailed.

Senator Treppler offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 510, Page 3, Section 302.174, Line 62, by inserting immediately after said line, the following:

"6. No driver's license shall be revoked or denied under this section for failing the written test until the driver has had at least thirty days to retake such test."; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Treppler moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 510, Pages 1-4, Section 302.174, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Wiggins resumed the Chair.

At the request of Senator Treppler, **SB 510**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator Mathewson moved that **SB 500**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **SB 500**, as amended, was declared perfected and ordered printed.

Senator Moseley moved that **SB 525**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **SB 525**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1091**, begs leave to report that it has considered the same and recommends that the resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Resolution No. 1091, Page 523 of the Senate Journal for March 27, 1996, Column 2, line 1, by striking the word "St. Louis" and inserting in lieu thereof the word "Missouri".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1076**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

RESOLUTIONS

Senator Flotron moved that **SR 1091**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron moved that **SR 1091**, as amended, be adopted, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Treppler introduced to the Senate, Mary Mallette, and forty- four sixth grade students from Mary Queen of the Universe School, St. Louis; and Cassie Suchare, Genny Murphy, Steven Brickey and Joseph Stumpf were made honorary pages.

Senator Bentley introduced to the Senate, Rebecca Burrell, Springfield.

Senator Caskey introduced to the Senate, Robin Bledsoe, and thirteen students from Harrisonville Christian School, Harrisonville; and Nichole Carter, Kristina Garber, Paul Thomas and Jesse Wilkie were made honorary pages.

Senator Russell introduced to the Senate, Jack Glendenning, Lebanon; and Dennis Thornsberry, Crocker.

Senator House introduced to the Senate, Brenda Frisick, and eighty fourth grade students from Marthasville Elementary School, Marthasville.

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Ron Phillips, and his son, Drew, Kirksville; and Drew was made an honorary page.

Senator Flotron introduced to the Senate, Larry and Sue Turner, and their children, Laura, Sarah, Courtney and Elizabeth, St. Louis; and Laura, Sarah, Courtney and Elizabeth were made honorary pages.

Senator Flotron introduced to the Senate, Linda Getz, and her son, Michael, and Mike Lantzy, St. Louis; and Michael and Mike were made honorary pages.

Senator Caskey introduced to the Senate, Sharon Tippet, and twenty-two fourth grade students from Heartland Christian Academy, Belton.

Senator Schneider introduced to the Senate, students from Central America and the Caribbean enrolled at Harris-Stowe State College, St. Louis.

Senator Staples introduced to the Senate, eighth grade students from Southern Reynolds County R-II School District.

Senator Caskey introduced to the Senate, Bill Collins, Harrisonville; and Robin Crouch, Warrensburg.

Senator Klarich introduced to the Senate, Kurt Schulz, and his children, Brett and Heidi, Manchester.

Senator Moseley introduced to the Senate, fifteen fourth grade students from Christian Fellowship School, Columbia.

Senator Bentley introduced to the Senate, Debbie Kohler, Cindy Webb and a Brownie Troop from Springfield; and Samantha Fike, Kyli Turner, Katie Kohler, Sami Webb and Krissy Bray were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 3:00 p.m., Monday, April 1, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-EIGHTH DAY--MONDAY, APRIL 1, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for the life of Jesus, for His teachings, for His ministry to the needs of others and for the example He set for us all. We pray that our life might also be an example for others to follow. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, March 28, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	Ehlmann
Flotron	Goode	Graves	House
Howard	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Absent with leave--Senators

Bentley	Curls	DePasco	Johnson
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Scott--5

The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1096, regarding the Farm Bureau Town and Country Insurance Company of Missouri, which was adopted.

Senator Lybyer offered Senate Resolution No. 1097, regarding Sharon Rees, Houston, which was adopted.

Senator Lybyer offered Senate Resolution No. 1098, regarding Diana Vandiver, Houston, which was adopted.

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1099

WHEREAS, the members of the Missouri Senate are very proud to recognize a high school athletic program which has compiled a particularly illustrious record of achievement: the Richland R-I High School Boys Varsity Basketball Team; and

WHEREAS, the Richland Rebels Basketball Team recently brought a great deal of honor and distinction to its school and community by capturing the Missouri State Class 1A High School Basketball Championship with an impressive 72-54 victory over the Lockwood Tigers; and

WHEREAS, this meritorious achievement culminated a tremendously successful 1995-96 season for the Rebels, one that was marked by an overall record of thirty-one wins and only two losses; and

WHEREAS, en route to the state title, the Rebels aptly demonstrated their championship caliber while earning distinction as Stoddard County Tournament Champions, Stoddard County Conference Champions, and Class 1A District Champions; and

WHEREAS, the Rebels gave their many avid fans ample reason to cheer this past season under the excellent leadership of Head Coach Doyle Pitts, who was named Class 1A Coach of the Year, and Assistant Coaches Troy Bollinger and Larry Gisi; and

WHEREAS, few athletes possess the skill and determination of these Richland basketball players, who are Shaun Cole, Shannon Woods, Ed Kellum, Ben Eaton, Moses Grayson, Steve Thompson, Sam Weaver, Michael Walls, Tony Herrion, Kurt Kelley, Jeremy Conner, Eric Blair, Earnest Bonner, Jamie Pitts, and Nathan Everly; and

WHEREAS, this legislative body is proud to acknowledge all those dedicated individuals who have contributed to the success of this outstanding 1995-96 Richland basketball program, including Terry Blair, Scorekeeper; Trey Ackman, OER; Christy Weaver and Linda Newman, Statisticians; Tabatha Mims, Video Camera Operator; Sherome Cole and Zach Petty, Managers; Karen Galloway, Cheerleading Sponsor; Karen Galloway, Pat Crane, and Nora Fuchs, Pep Club Sponsors; and cheerleaders Teletia Cole, Tina Blair, Amanda Marshall, Jill Roberts, Sarah Keller, Marissa Mayberry, Jodie Cooper, Melissa Blair, Glenna McMullin, Cristi Corlew, Deidre Brown, and Lindsey Heiskell:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in commending all the dedicated coaches and members of the Richland Rebels Basketball organization upon the completion of a truly impressive season, and further extend to them our very best wishes for continued success; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the 1995-96 Richland R-I High School Boys Basketball Team.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 500**; **SB 525**; and **SB 898**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SS** for **SS** for **SB 488**; **SCS** for **SB 640**; **SB 669**; and **SB 782**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1002**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1004**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1005**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1006**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1007**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1008**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1009**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1010**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1011**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1012**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

BILLS DELIVERED TO THE GOVERNOR

CCS for **HS** for **SCS** for **SB 735**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

SENATE BILLS FOR PERFECTION

Senator Lybyer moved that **SB 759**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Kenney offered **SPA 1** to **SA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 759, Line 7, by inserting after the word "act" the following: ". This provision shall remain in effect".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 759, Page 9, Section 375.1257, Lines 71-72, by striking: "and the challenge is not frivolous in the judgment of the director"; and

Further amend said section on line 73, by striking the word: "insurer's"; and

Further amend said section, page 8 on lines 66 and 67, by deleting: "and the challenge is not frivolous in the judgment of the director,".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **SB 759**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **SB 759**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 534** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Clay requested a roll call vote be taken on the perfection of **SB 534** and was joined in his request by Senators Caskey, Flotron, Kinder and Russell.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 534, Page 1, Section 1.4, Line 14, by deleting the word "fifty" on line 14 and insert in lieu thereof the word "**one**".

Senator Russell moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Quick assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 534, Page 1, Section 1.1, Line 14, by striking "more than fifty percent"; and inserting in lieu thereof the following: "one or more persons".

Senator Flotron moved that the above substitute amendment be adopted.

At the request of Senator Flotron, **SSA 1** for **SA 1** was withdrawn.

Senator Flotron offered **SSA 2** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 534, Page 1, Section 1.1, Line 14, by striking "more than fifty percent"; and inserting in lieu thereof the following: "one or more persons"; and

Further amend said bill, lines 5 through 9, by striking them and inserting in lieu thereof the following:

"(2) "Employer" the state of Missouri or one of its political subdivisions;" and further strike the last sentence on page 2.

Senator Flotron moved that the above substitute amendment be adopted.

Senator Clay assumed the Chair.

At the request of Senator House, **SB 534**, with **SA 1** and **SSA 2** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 869**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 869**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 869

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 210.160, 210.842, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 479.260, 479.261, 482.345, 483.015, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.040, 485.055, 485.060, 485.075, 485.100, 485.120, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 550.260, 550.300,

561.035, 590.140 and 595.045, RSMo 1994, and sections 302.137, 478.401, 483.083 and 487.170, RSMo Supp. 1995, relating to the assessment, collection, disbursement and expenditure of moneys in judicial proceedings, and to enact in lieu thereof seventy-seven new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Schneider moved that SCS for SB 869 be adopted.

Senator Schneider offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 869, Page 5, Section 57.280, Lines 1-2 by striking both of said lines and inserting in lieu thereof the following:

"57.280. 1. [Fees of] Sheriffs shall [be allowed] **receive a charge** for [their services as follows:"]; and

Further amend said bill and section, pages 7-8, lines 87-93, by striking all of said lines and inserting in lieu thereof the following: "request such an attendance] **service of any summons, writ, subpoena or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to such charge, the sheriff shall be entitled to collect and receive for each mile actually traveled in serving any summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile, provided that such mileage shall not be charged for more than one subpoena or summons or other writ served in the same cause on the same trip. All of such charges shall be charged and collected by the sheriff who is requested to perform the service. Except as otherwise provided by law, all charges made pursuant to this section are payable prior to the time the service is rendered; provided that if the amount of such charge cannot be readily determined, then the sheriff shall collect a deposit based upon the likely amount of such charge, and the balance of such charge shall be payable immediately upon ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service in any action or proceeding, other than when court costs are waived as provided by law, until the charge provided by this section is paid. Failure to collect the charge shall not affect the validity of the service.**

2. The sheriff shall collect for receiving and paying moneys on execution or other process, where lands or goods have been levied and advertised and sold, five percent on five hundred dollars and four percent on all sums above five hundred dollars, and half of these sums, when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney. The party at whose application any writ, execution, subpoena or other process has issued from the supreme court shall cause the same to be returned without charge unless the court shall, for special reasons, order the personal attendance of the sheriff, in which case he shall be allowed for each mile, going and returning from the courthouse of the county in which he resides to the place where the court is held, the rate prescribed by the Internal Revenue Service for all allowable expenses for motor vehicle use expressed as an amount per mile.

3. The"; and

Further amend said bill and section, page 8, lines 96-97, by striking the words "city not within a"; and further amend said bill, page and section, line 100, by striking the word "department" and inserting in lieu thereof the word "**office**"; and further amend said bill, page and section, line 102, by striking the words "drawn upon by" and inserting in lieu thereof the words "**expended at the discretion of**"; and further amend said bill, page and section, line 107, by striking the words "any city not within a" and inserting in lieu thereof the word "**the**"; and further amend said bill and section, pages 8-9, lines 109-126, by striking all of said line 109 after the word "sheriff's" on said line and by striking all of said lines 110-126, and by inserting in lieu thereof the word "**office.**"; and

Further amend said bill, section 57.290, page 10, line 32, by striking the word "fees" from said line and inserting in lieu thereof the word "**charges**"; and

Further amend said bill, page 18, section 210.842, line 12, by inserting immediately after said line the following:

"302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. [Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation.] No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear."; and

Further amend said bill, page 48, section 485.040, lines 5-6, by striking the words "the circuit judges of the circuit court shall appoint all court reporters for the circuit" and inserting in lieu thereof the words "**each circuit judge may appoint an official court reporter**"; and

Further amend said bill, section and page, line 12, by striking the words "judges of the circuit" and inserting in lieu thereof the word "**judge**"; and

Further amend said bill, page 53, section 490.130, lines 14-15, by striking the words ", in the manner provided by supreme court rule"; and

Further amend said bill, page 63, section 514.015, line 123, by inserting after the word "party," on said line the words "**if the court is able to provide sufficient identifying information regarding the defaulting party,**" and

Further amend said bill, page 78, section 1, line 42, by inserting after the word "RSMo" on said line the words ", **and for purposes of imposing any collateral consequence of a criminal conviction provided by law**"; and

Further amend said bill, page and section, line 52, by striking the words "clerk of the court" and inserting in lieu thereof the word "**prosecutor**"; and

Further amend said bill, page and section, line 54, by inserting immediately after the word "clerk" on said line the words "**of the court in which the case is to be heard**" and

Further amend said bill, page and section, lines 56-57, by striking all of said line 56 after the word "the" on said line

and all of said line 57, and inserting in lieu thereof the words: "**commencement of any proceedings by the prosecutor with respect to the notice of violation.**" and

Further amend said bill, page and section, lines 58-61, by striking from line 58 the word "a" and all of said lines 59-61 and inserting in lieu thereof the word "**any**"; and

Further amend said bill, page and section, lines 64-66, by striking all of said lines; and further renumber subdivisions (2) and (3) of subsection 6 of said section accordingly; and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT 1

Amend Senate Committee Substitute for Senate Bill No. 869, Page 5, Section 57.280, Line 1 by striking the opening bracket "[" and closing bracket "]" and the bold-faced print on said line; and further amend line 2, by striking the opening bracket "["; and

Further amend said bill and section, pages 7-8, by striking the closing bracket "]" on line 87 and all of the bold-faced print on lines 87-93; and further amend line 94, by striking all of said lines and inserting in lieu thereof the following: "sheriff upon the collection of the fees herein provided"; and further amend line 95, by striking the opening bracket "[" and closing bracket "]" and the word "charges"; and further amend lines 100-101, by striking the opening bracket "[" and closing bracket "]" as they appear twice on said lines and further by striking "in a fund" on line 101; and further amend line 103, by striking the opening bracket "["; and further amend line 104, by striking the closing bracket "]".

Senator Caskey moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 1 was again taken up.

Senator Caskey offered **SSA 2** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 869, Pages 48- 49, Section 485.040, Lines 1-19 by removing all of said section; and

Further amend said bill, page 49, section 485.055, lines 1-32, by removing all of said section; and

Further amend said bill, pages 49-50, section 485.060, lines 1-12, by removing all of said section; and

Further amend said bill, page 50, section 485.075, lines 1-11, by removing all of said section; and

Further amend said bill, pages 50-51, section 485.100, lines 1-24, by removing all of said section; and

Further amend said bill, page 51, section 485.120, lines 1-8, by removing all of said section; and

Further amend said bill, page 51, section 485.130, lines 1-5, by removing all of said section; and

Further amend said bill, page 51, section 485.150, lines 1-5, by removing all of said section; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 2** for **SA 1** is out of order in that the subject matter of the substitute amendment is irrelevant to the subject matter of the original amendment.

At the request of Senator Schneider, **SB 869**, with **SCS, SA 1, SSA 2** for **SA 1** and the point of order (pending), was placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stanley R. Cowan, 8017 Roy-L, Centertown, Cole County, Missouri 65203, as a member of the Well Installation Board, for a term ending February 24, 1998, and until his successor is duly appointed and qualified; vice, RSMo 256.605.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Thomas J. Downey, Democrat, 2103 W. Main, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 1997, and until his successor is duly appointed and qualified; vice, Kathleen Marafino, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John B. Heskett, Jr., Ed. D., 2718 Kenwood, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1997, and until his successor is duly appointed and qualified; vice, John F. Allan, Ed.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lea Levee, 1127 Monroe Street, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1996, and until her successor is duly appointed and qualified; vice, Sherry Anderson, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl M. Wehmeyer Price, 4024 Frederick, St. Joseph, Andrew County, Missouri 64506, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until her successor is duly appointed and qualified; vice, Robert G. Frank, Ph.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joye G. McElwee, Republican, 10635 N. Farm Road 173, Fair Grove, Greene County, Missouri 65648, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 28, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William R. Thomas, Democrat, 1640 E. Grand, Springfield, Greene County, Missouri 65804, as a member of the Air Conservation Commission, for a term ending October 13, 1997, and until his successor is duly appointed and qualified; vice, William Clark, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1100, regarding the death of Ann Hacker, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 1101, regarding the death of Doris B. Winfield, Bolivar, which was

adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 29, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 735 entitled:

"AN ACT"

To repeal section 72.418, RSMo Supp. 1995, relating to fire protection district elections, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for certain sections.

On March 29, 1996, I approved said Conference Committee Substitute for House Substitute for Senate Committee Substitute for Senate Bill No. 735.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 1, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 540 entitled:

"AN ACT"

To repeal sections 31.040, 192.010, 199.010, 199.020, 199.025, 199.037, 199.210, 199.230, 199.240, 199.250, and 199.260, RSMo 1994, and sections 31.010 and 199.029, RSMo Supp. 1995, relating to the Missouri rehabilitation center, and to enact in lieu thereof twenty new sections relating to the same subject, with a contingent termination date for certain sections and an emergency clause.

On April 1, 1996, I approved said Senate Committee Substitute for Senate Bill No. 540.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, sixty seventh grade students from St. Angela Merici, Florissant; and Sidney Russell, Lindsay Neuner, Lisa Otten and Katie Eddington were made honorary pages.

Senator Wiggins introduced to the Senate, William Joshua Cox, Fayette.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FORTY-NINTH DAY--TUESDAY, APRIL 2, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we pray that You will be with Senator Johnson and his family and that You continue to be with Senator Scott and his family. We come from different backgrounds with differing beliefs and political philosophies, but we care for one another. We are thankful for the strength we gather from one another in times of special needs. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

DePasco	Johnson	Scott--3
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The Lieutenant Governor was present.

REFERRALS

President Pro Tem Mathewson referred **HCR 4**, **HCR 6** and **HCR 8** to the Committee on Rules, Joint Rules and Resolutions.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 945--Commerce and Environment.

HCS for HB 1013--Appropriations.

HB 1295--Elections, Pensions and Veterans' Affairs.

HB 1101--Conservation, Parks and Tourism.

HB 1171--Financial and Governmental Operations.

HB 1524--Conservation, Parks and Tourism.

HB 1362--Public Health and Welfare.

HB 1168--Financial and Governmental Operations.

HB 956--Ways and Means.

HB 1117--Aging, Families and Mental Health.

HB 1523--Education.

HB 1055--Public Health and Welfare.

HB 1537--Financial and Governmental Operations.

HB 1359--Financial and Governmental Operations.

HB 1566--Financial and Governmental Operations.

HB 1428--Agriculture and Local Government.

HB 1473--Public Health and Welfare.

HB 1110--Financial and Governmental Operations.

HB 1076--Elections, Pensions and Veterans' Affairs.

HB 1166--Education.

HB 1420--Agriculture and Local Government.

HB 1305--Agriculture and Local Government.

HB 1440--Commerce and Environment.

HB 1315--Transportation.

HB 1477--Elections, Pensions and Veterans' Affairs.

HB 1131--Labor and Industrial Relations.

HB 1369--Transportation.

HB 1431--Aging, Families and Mental Health.

HB 1304--Civil and Criminal Jurisprudence.

HB 1060--Commerce and Environment.

HB 1564--Commerce and Environment.

HB 1533--Financial and Governmental Operations.

HB 1504--Agriculture and Local Government.

HB 1223--Transportation.

HB 819--Interstate Cooperation.

HB 1286--Financial and Governmental Operations.

HB 976--Corrections and General Laws.

HCS for **HBs 1376** and **1501**--Education.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 759**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

SB 821 was placed on the Informal Calendar.

Senator Klarich moved that **SB 638** and **SB 753**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs Nos. 638** and **753**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 638 and 753

An Act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SCS** for **SBs 638** and **753** be adopted.

Senator Klarich offered **SS** for **SCS** for **SBs 638** and **753**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 638 AND 753

An Act to repeal section 429.015, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof three new sections relating to the same subject.

Senator Staples assumed the Chair.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 638 and 753, Page 8, Section 429.106, Line 5, by inserting immediately after said line, the following:

"431.180. 1. All persons who enter into a contract for private construction work after August 28, 1995, shall make all scheduled payments pursuant to the terms of the contract. **For purposes of this section, the term "persons" shall include a contractor, subcontractor, material supplier, construction manager, architect, professional engineer or land surveyor.**

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against a person who has failed to pay. The court may in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date payment was due pursuant to the terms of the contract, and reasonable attorney fees, to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

3. The provisions of this section shall not apply to contracts for private construction work for the building, improvement, repair or remodeling of owner-occupied residential property of four units or less."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 638 and 753, Page 4, Section 429.015, Line 26, by deleting the words "recorder of deeds" and substitute therefor the words: "clerk of the circuit court"; and further amend said section on page 5, line 8, by deleting the words "recorder of deeds" and substitute therefor the words "clerk of the circuit court".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator McKenna assumed the Chair.

Senator Klarich moved that **SS** for **SCS** for **SBs 638** and **753**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **SBs 638** and **753**, as amended, was declared perfected and ordered printed.

Senator Kenney was recognized to speak on a point of personal privilege.

Senator Ehlmann was recognized to interrogate Senator Kenney.

Senator Howard raised the point of order that the interrogation of Senator Kenney by Senator Ehlmann is out of order in that the inquiring of a Senator speaking on a point of personal privilege is out of order.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Goode moved that **SB 509** be taken up for perfection, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 509, Page 3, Section 303.026, Line 7, by striking the word "of" as it appears the first time on said line and inserting in lieu thereof the following: "**in effect at**"; and

Further amend said section, page 4, line 31, by inserting immediately after "RSMo" the following: "**or unless the owner insures the vehicle according to the requirements of the division of transportation pursuant to section 390.126, RSMo**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 509, Page 7, Section 379.203, Line 1, by deleting the bracket on said line; and further amend said section, page 9, line 79, by deleting the bracket at the end of said line; and further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Goode, **SB 509**, with **SA 2** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1020**, entitled:

An Act to appropriate money for expenses, grants, equity contributions, debt service retirement, planning, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1554**, entitled:

An Act to repeal section 482.330, RSMo 1994, relating to small claims court, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1466**, entitled:

An Act to repeal section 144.030, RSMo Supp. 1995, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1419**, entitled:

An Act relating to the conveyance of certain real property of the state of Missouri located in Callaway County.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1604**, entitled:

An Act authorizing the governor to convey state property used as an armory by the Missouri National Guard located in Webb City.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1601**, entitled:

An Act relating to the conveyance of certain property in Callaway County to the city of Fulton.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1610**, entitled:

An Act to repeal section 537.115, RSMo 1994, relating to food donations and distribution, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 985**, entitled:

An Act relating to the official language of the state.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

RESOLUTIONS

Senator Treppler offered Senate Resolution No. 1102, regarding Mr. George R. Holske, St. Louis County, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 838**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 838**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 838

An Act to repeal sections 301.550, 301.559, 407.810, 407.815, 407.825, 407.830 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Schneider moved that **SCS** for **SB 838** be adopted.

Senator Schneider offered **SS** for **SCS** for **SB 838**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 838

An Act to repeal sections 301.550, 301.559, 407.810, 407.815, 407.825, 407.830 and 407.835, RSMo 1994, relating to motor vehicle, boat and vessel franchise practices, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Senator Schneider moved that **SS** for **SCS** for **SB 838** be adopted.

Senator Quick assumed the Chair.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 5, Section 301.550, Line 4, by adding after the semicolon the following: "**however, this definition shall not include any person who has negotiated or is negotiating a collective bargaining contract with a manufacturer as defined in this section;**" and

Further amend said bill, page 14, section 407.815, line 27, by adding after the semicolon the following: "**however, this definition shall not include any person who has negotiated or is negotiating a collective bargaining contract as defined in this section;**".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Treppler offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 13, Section 407.815, Line 18, by adding after the word "vehicle" at the end of said line "including recreational motor vehicles,"; and further by deleting on lines 20 and 21 "and recreational motor vehicles".

Senator Treppler moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 13, Section 407.815, Line 18, by adding at the end thereof the following "including a recreational motor vehicle as defined in section 301.010, RSMo,"; and delete on lines 20 and 21 the following: "and recreational motor vehicles"; and

Further amend said bill, page 10, line 28, by adding after the word "vehicles," the following: "including recreational motor vehicles".

Senator Klarich moved that the above substitute amendment be adopted.

Senator McKenna resumed the Chair.

Senator Schneider offered **SPA 1** to **SSA 1** for **SA 2**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

TO SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, by striking lines 1 to 10 and substitute the following: "Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Pages 10 and 11, Section 407.811, by striking all of said section."

Senator Schneider moved that the above perfecting amendment be adopted.

Senator Klarich raised the point of order that **SPA 1** to **SSA 1** for **SA 2** is out of order in that it is not a perfecting amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SSA 1 for **SA 2** was again taken up.

Senator Schneider offered **SPA 2** to **SSA 1** for **SA 2**, which was read:

SENATE PERFECTING AMENDMENT NO. 2
TO SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, by striking lines 7 to 10 and substitute the following: "Amend pages 10 and 11, section 407.811, by striking all of said section; and

Further amend the title and enacting clause accordingly."

Senator Schneider moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Quick resumed the Chair.

SSA 1 for **SA 2**, as amended, was again taken up.

Senator Klarich moved that the above substitute amendment be adopted, which motion prevailed on a standing division vote.

Senator Russell offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, page 13, Section 407.815, Line 14, by inserting after "state" the following: ", **except for boat or vessel manufacturers located within the state that manufacture boats or vessels in the state**".

Senator Russell moved that the above amendment be adopted.

At the request of Senator Russell, **SA 3** was withdrawn.

Senator Banks offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 45, Section 407.836, Line 22, by inserting immediately after said line the following:

"Section 1. When a franchised dealer or manufacturer proposes to establish or relocate a motor vehicle dealership within any city not within a county, the dealer or manufacturer shall make reasonable efforts to establish or relocate such dealership in an area within such city not within a county that improves the equitable distribution of dealerships within such city not within a county and is conveniently located to serve minorities who reside in such city not within a county."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 45, Section 407.836, Line 22, by inserting immediately after said line the following:

"Section 1. All dealer franchises sanctioned and approved by the Missouri motor vehicle commission shall establish an affirmative action hiring program in order to more equitably employ personnel at the dealer franchise."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Lybyer raised the point of order that **SA 5** is out of order in that it amends a previously amended section.

The point of order was referred to the President Pro Tem.

At the request of Senator Clay, **SA 5** was withdrawn, rendering the point of order moot.

Senator Caskey offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, by striking the following underscored words and phrases each time such words or phrases appear in the bill: "boat or vessel"; "boats or vessels"; "boats, vessels, vessel trailers"; "used boat", or "used vessel"; "boats or vessels"; "or vessel trailer"; "or vessel"; and

Further amend said bill, page 4, section 301.550, lines 3-7, by striking all of the underscored print on said lines; and

Further amend said bill, pages 14-15, section 407.815, by striking all of subdivision (17) on said pages; and further amend said section, page 15, by renumbering the remaining subdivision.

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Wiggins resumed the Chair.

Senator Clay offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 45, Section 407.836, Line 22, by inserting immediately after said line the following:

"Section 1. All dealer franchises licensed by the Missouri motor vehicle commission shall establish an affirmative action hiring program in order to more equitably employ personnel at the dealer franchise and shall demonstrate such program to the commission in order to be issued a license or to obtain a renewal of such license."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Lybyer raised the point of order that **SA 7** is out of order in that the amendment goes beyond the scope of the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Quick resumed the Chair.

Senator Clay offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 45, Section 407.836, Line 22, by inserting immediately after said line, the following:

"Section 1. The Missouri motor vehicle commission, in approving licenses for dealer franchises in any metropolitan statistical area with a population of more than one million inhabitants as defined by the federal Office of Management and Budget or its successor agency shall ensure that the community of dealer franchises shall reflect an adequate fraction of minority-owned businesses."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, Page 16, Section 407.821, Line 28 of said page, by inserting immediately after the word "ordinances" the following: ";

(5) Use any false, deceptive or misleading advertising".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 838, page 11, Section 407.812, Lines 18-19, by deleting the following: "An agreement to waive the terms of this act is void and unenforceable." and substitute in lieu thereof the following: "With the permission of the motor vehicle commission an agreement to waive any of the terms of this act may be entered into between franchisee and the franchisor."

Senator Melton moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Schneider, **SB 838**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SBs 638** and **753**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 832**, entitled:

An Act to repeal section 313.835, RSMo 1994, relating to certain veterans' cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1301** and **1298**, entitled:

An Act to repeal sections 162.680 and 195.214, RSMo 1994, and sections 160.261, 167.161, and 167.171, RSMo Supp. 1995, and to enact in lieu thereof thirteen new sections for the purpose of providing safer schools, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Caskey, Mathewson, Wiggins, Maxwell, Rohrbach, Westfall and Melton offered the following resolution:

SENATE RESOLUTION NO. 1103

WHEREAS, the United States of America was founded upon an individual's right to own property; and

WHEREAS, the Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of "life, liberty or property without due process of law", and that "private property shall not be taken for public use without just compensation"; and

WHEREAS, Article I, Section 10 of the Missouri Constitution states that "no person shall be deprived of life, liberty or property without due process of law"; and

WHEREAS, Article I, Section 26 of the Missouri Constitution states that "private property shall not be taken or damaged for public use without just compensation"; and

WHEREAS, Article I, Section 28 of the Missouri Constitution states that within certain exceptions "private property shall not be taken for private use with or without compensation, unless by consent of owner"; and

WHEREAS, many citizens of the great State of Missouri were forced to sell their land to the United States government so that the Army Corps of Engineers could manage and channel rivers, create lakes, regulate wetlands and help provide electricity for the citizens of Missouri; and

WHEREAS, the Army Corps of Engineers mandates that the citizens of the State of Missouri pay "user fees" to enjoy the many parks, lakes and other natural wonders and attractions created from land Missouri citizens were forced to sell;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, 88th General Assembly, that although Missouri citizens were

compensated for the loss of their properties, the Army Corps of Engineers should reevaluate and ultimately reduce or eliminate these unfair, arbitrary and excessive "user fees" which essentially force citizens of the State of Missouri to pay a fee to enjoy and use their own land; and

BE IT FURTHER RESOLVED that the Secretary of the Senate forward a copy of this Resolution to all the members of the Missouri delegation to the United States Congress so that Missouri's federal elected officials can join in this Resolution.

Senator Goode offered Senate Resolution No. 1104, regarding Dollene L. Radford, St. Louis City, which was adopted.

REFERRALS

On behalf of President Pro Tem Mathewson, Senator Banks referred **SR 1103** to the Committee on Rules, Joint Rules and Resolutions.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Jim Raysik, Clinton.

Senator Russell introduced to the Senate, Larry Sexton, Waynesville; and Neil Tweeter, Lebanon.

Senator Staples introduced to the Senate, Ken Parker, DeSoto.

Senator Howard introduced to the Senate, Tommy Stiegel, Kennett.

Senator McKenna introduced to the Senate, Bill Schicker, St. Louis.

On behalf of Senator Wiggins, the President introduced to the Senate, Robin Cunningham, Kansas City.

Senator Maxwell introduced to the Senate, Bill Lovegreen and Jim Lovegreen, Palmyra.

Senator Graves introduced to the Senate, Aleta Casady and seventeen seventh grade students from Bucklin R-II School, Bucklin; and Jacob Caselman and Aaron Casady were made honorary pages.

Senator Howard introduced to the Senate, Rich Richardson, Malden.

Senator Kinder introduced to the Senate, Bob Neff, Cape Girardeau; and Bill Schicker, St. Louis.

Senator Klarich introduced to the Senate, John Feltmann and Jim Feltmann, Jr., Washington.

On behalf of Senator House and himself, Senator Ehlmann introduced to the Senate, Kevin Berra, Maplewood; and Ed Pundmann, St. Charles.

Senator Bentley introduced to the Senate, Rowena Jones and thirty-one members of the Retired Senior Volunteer Program, Springfield.

Senator Curls introduced to the Senate, Reverend Wallace Hartsfield, Reverend Able, Reverend John Miles, Reverend Bill Clark, Reverend Finney and Reverend Leonard Butler, Kansas City.

Senator Bentley introduced to the Senate, George Thompson, Springfield.

Senator Mueller introduced to the Senate, Chris Auffenberg, Kirkwood.

Senator Caskey introduced to the Senate, Gregg Smith, Clinton.

Senator Howard introduced to the Senate, Shannon Davis, Jeanene Dollins, Debe Pence, Remia Birdsong, L.K. McComb, George McComb, Keith Burson, Gary Brewer, Debe Brewer, Pat Smidy, and thirty-four sixth grade students from Neelyville School, Neelyville; and Aaron Birchfield, Barbara Duran, Marcus Deaner, Matt Williams, Crystal Card

and Laura Whitt were made honorary pages.

Senator Staples introduced to the Senate, former State Senator Tom McCarthy, Chesterfield.

Senator Mueller introduced to the Senate, a Girl Scout troop from Ballwin Elementary School, St. Louis.

Senator Klarich introduced to the Senate, Girl Scout Troops 4344 and 295, Ballwin; and Whitney Sewell, Melinda Siesler, Brittney Campa, Megan Huth, Theresa Goldsberry and Jessica Spinzig were made honorary pages.

Senator Treppler introduced to the Senate, Karen Kimmel, and twenty Girl Scouts from St. Louis County.

Senator Ehlmann introduced to the Senate, John Matlick and Mike Plackemeier, O'Fallon.

Senator Caskey introduced to the Senate, Paul Ross, Urich.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTIETH DAY--WEDNESDAY, APRIL 3, 1996

The Senate met pursuant to adjournment.

Senator Melton in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, the fathers of our country knew that religion and government were compatible. Even our coins state, "In God We Trust". We pray that as we acknowledge our dependence upon You that You will continue to bless our nation and state. Be with all who have been elected by the people that our great freedoms might continue. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Johnson--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Maxwell offered Senate Resolution No. 1105, regarding Rodney Smith, Wyaconda, which was adopted.

THIRD READING OF SENATE BILLS

SB 669 was placed on the Informal Calendar.

SB 782, introduced by Senators McKenna and Bentley, entitled:

An Act to repeal section 185.100, RSMo 1994, relating to the Missouri arts council, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator McKenna.

On motion of Senator McKenna, **SB 782** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Rohrbach--1

Absent--Senator Curls--1

Absent with leave--Senators

DePasco	Johnson--2
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The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SS for **SS** for **SB 488**, introduced by Senator Banks, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 488

An Act to repeal sections 43.540, 210.150, 210.245 and 610.120, RSMo 1994, and section 210.221, RSMo Supp. 1995, relating to the care or supervision of children, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Banks, **SS** for **SS** for **SB 488** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Goode	Graves
House	Howard	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--25

Nays--Senators

Flotron	Kenney	Kinder	Klarich
Melton	Mueller	Rohrbach--7	

Absent--Senators--None

Absent with leave--Senators

DePasco	Johnson--2
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The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

SB 526, introduced by Senator Moseley, entitled:

An Act to amend chapter 436, RSMo, by adding four new sections relating to athletic agents, with penalty provisions.

Was taken up.

On motion of Senator Moseley, **SB 526** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
Ehlmann	Goode	House	Howard
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--26		

Nays--Senators

Clay	Flotron	Graves	Kenney
Rohrbach--5			

Absent--Senator Staples--1

Absent with leave--Senators

DePasco	Johnson--2
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The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

SCS for **SB 640**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 640

An Act to repeal sections 144.748 and 144.805, RSMo 1994, relating to sales and use tax, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Was taken up by Senator Scott.

On behalf of Senator Scott, Senator Wiggins moved that **SCS** for **SB 640** be read the 3rd time and finally passed, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode

Graves	House	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Howard--1

Absent with leave--Senators

DePasco	Johnson--2
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The President declared the bill passed.

On behalf of Senator Scott, Senator Wiggins moved the title to the bill be agreed to, which motion prevailed.

On behalf of Senator Scott, Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SCS for **SB 708**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 708

An Act to repeal sections 319.100, 319.129 and 319.133, RSMo 1994, and sections 319.131 and 319.132, RSMo Supp. 1995, relating to storage tanks, and to enact five new sections relating to the same subject.

Was taken up by Senator Caskey.

On motion of Senator Caskey, **SCS** for **SB 708** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Goode Mueller Rohrbach--3

Absent--Senator Howard--1

Absent with leave--Senators

DePasco Johnson--2

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Kenney moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 743**, introduced by Senator Curls, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 743

An Act to amend chapter 376, RSMo, by adding one new section relating to insurer's subrogation to rights of recovery of insured persons.

Was taken up.

Under the provisions of Senate Rule 90, Senator Moseley requested unanimous consent to be excused from voting, which request was granted.

On motion of Senator Curls, **SS** for **SCS** for **SB 743** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Curls	Ehlmann	Flotron
Goode	Graves	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Rohrbach	Russell	Scott
Singleton	Treppler--18		

Nays--Senators

Caskey	Clay	House	Howard
Maxwell	Melton	Quick	Schneider
Westfall	Wiggins--10		

Absent--Senators

Bentley Sims Staples--3

Absent with leave--Senators

DePasco Johnson--2

Excused from voting--Senator Moseley--1

The President declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SB 500, introduced by Senator Mathewson, entitled:

An Act to amend chapter 136, RSMo, by adding thereto two new sections relating to implementation of the refund required under article X, section 18 of the constitution of Missouri.

Was taken up.

On motion of Senator Mathewson, **SB 500** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

DePasco Johnson--2

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 525, introduced by Senator Moseley, entitled:

An Act to repeal sections 209.251, 209.253, 209.255, 209.257, 209.258 and 209.259, RSMo 1994, relating to certain telecommunication services for the disabled, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

On motion of Senator Moseley, **SB 525** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

DePasco Johnson--2

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

SB 898, introduced by Senator Flotron, entitled:

An Act to repeal section 408.300, RSMo 1994, relating to time charges on retail time contracts, and to enact one new section relating to the same subject.

Was taken up.

On motion of Senator Flotron, **SB 898** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Melton	Moseley	Mueller	Rohrbach
Russell	Scott	Sims	Singleton
Treppler	Westfall--18		

Nays--Senators

Banks	Caskey	Clay	Curls
Goode	Howard	Lybyer	Mathewson
Maxwell	Schneider	Wiggins--11	

Absent--Senators

McKenna	Quick	Staples--3
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Absent with leave--Senators

DePasco	Johnson--2
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The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 800, 812, 817** and **821**, entitled:

An Act to repeal sections 302.304, 542.276, 544.170, 544.216, 556.037, 557.036, 565.070, 568.045, 568.050 and 568.060, RSMo 1994, and sections 302.302, 565.084 and 571.030, RSMo Supp. 1995, relating to crime, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1169** and **1271**, entitled:

An Act to repeal sections 43.506, 82.1000, 302.060, 302.309, 302.500, 302.505, 302.510, 302.520, 302.530, 302.535, 302.541, 311.310, 311.325, 312.407, 479.500, 577.012, 577.020, 577.021, 577.023, 577.037, and 577.039, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1368**, entitled:

An Act to repeal sections 288.050, 288.070, 288.100, 288.110, 288.113, 288.130, 288.140, 288.160, 288.190, 288.200, 288.380 and 347.187, RSMo 1994, and sections 288.030, 288.032, 288.036, 288.040, 288.114, 351.488 and 358.150, RSMo Supp. 1995, relating to streamlining of employment security programs, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 811**, entitled:

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 981**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 981, Page 1, In the Title, Line 3, by inserting immediately after the word "subject", the following: ", with a referendum clause"; and

Further amend said bill, page 4, section 144.748, line 87, by inserting immediately after said line, the following:

"Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at a special election which is hereby ordered and which shall be held and conducted on the first Tuesday in November, 1996,

pursuant to the laws and constitutional provisions of this state applicable to general elections and the submission of referendum measures by initiative petitions, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise."

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1619**, entitled:

An Act to repeal sections 455.030, 455.035, and 455.510, RSMo 1994, and sections 455.010, 455.501, 455.513, and 487.030, RSMo Supp. 1995, relating to domestic relations, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1086**, entitled:

An Act to repeal section 574.085, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1598**, entitled:

An Act to repeal section 409.407, RSMo Supp. 1995, relating to the secretary of state's investor education fund, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1050**, entitled:

An Act to repeal section 27.030, RSMo 1994, relating to the attorney general, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

HCS for **HB 1259**, entitled:

An Act to repeal section 64.905, RSMo 1994, relating to planning and zoning in certain counties, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause for certain sections.

Was called from the Consent Calendar and taken up by Senator Caskey.

On motion of Senator Caskey, **HCS** for **HB 1259** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Clay	Curls	Maxwell	Singleton--4
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Absent with leave--Senator Johnson--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder

Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Moseley--3
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Absent with leave--Senator Johnson--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 669, introduced by Senator Goode, entitled:

An Act to repeal sections 643.310, 643.315, 643.320, 643.335 and 643.355, RSMo 1994, relating to motor vehicle emissions inspections, and to enact five new sections relating to the same subject, with penalty provisions.

Was called from the Informal Calendar and taken up.

On motion of Senator Goode, **SB 669** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senator Treppler--1

Absent--Senators

Clay Schneider--2

Absent with leave--Senator Johnson--1

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for HB 1001, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Fourth State Building Fund, and to transfer money among certain funds for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HCS for HB 1001** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay Moseley--2

Absent with leave--Senators

Johnson Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1002, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1002, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1002** be adopted.

Senator Staples assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Mueller offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, Page 10, Section 2.135, Line 5, by deleting the number "3,558,844" and inserting in lieu thereof the number "3,308,844" and further

amend said section, line 8, by deleting the number "4,285,357" and inserting in lieu thereof the number "4,035,357".

Senator Mueller moved that the above amendment be adopted.

Senator Lybyer offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, Page 1, Section 2.005, Line 5, by deleting the number "3,517,581" and inserting in lieu thereof the number "3,329,242" and further amend said section, line 9, by deleting said line and inserting in lieu thereof the following new line "Total (Not to exceed 130.40 F.T.E.).....\$8,383,314"; and

Further amend said bill, page 6, Section 2.066, line 7, by deleting the number "4,381,625" and inserting in lieu thereof the number "4,190,411" and further amend said section, line 11, by deleting said line and inserting in lieu thereof the following new line "Total (Not to exceed 251.55 F.T.E.).....\$11,718,950"; and

Further amend said bill, page 10, Section 2.135, line 5, by deleting the number "3,558,844" and inserting in lieu thereof the number "3,331,674" and further amend said section, line 8, by deleting the number "4,285,357" and inserting in lieu thereof the number "4,058,187".

Senator Lybyer moved that the above substitute amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

President Wilson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1002**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1002**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators

Johnson

Scott--2

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1304**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Moseley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HS** for **HCS** for **HB 980**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 791**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 791, Page 1, Section 167.161, Line 6, by striking the word "The" and inserting in lieu thereof, the following: "**After meeting with the superintendent or his designee to discuss the suspension or expulsion, the**".

Also,

Mr. President: Your Committee on Education, to which was referred **HB 823**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1404**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1541**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1106, regarding the Ninetieth Birthday of Ella Smith, Hazelwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, Greg Hall, Concordia; John P. Huston, Marshall; and Paul Langewisch, Sweet Springs.

Senator Quick introduced to the Senate, Mary Edwards, Carrollton.

Senator Schneider introduced to the Senate, fifth grade students from Brown School, Florissant; and Matthew Besserman was made an honorary page.

Senator Caskey introduced to the Senate, Phil Brillhart, Jim Hill and Bob Evers, Raymore.

Senator McKenna introduced to the Senate, Lisa Donnell, Ed Marr and Brittany Potocki, Barnhart; and Brittany was made an honorary page.

Senator Graves introduced to the Senate, twenty-five fourth grade students from Osborne School, DeKalb County.

Senator Klarich introduced to the Senate, Bryan Goers, Washington; and Bryan was made an honorary page.

On behalf of Senator Johnson, Senator Quick introduced to the Senate, fourth grade students from Union Chapel Elementary, Kansas City; and Molly Harness, Jennifer Day, Daniel Fultz and Garrett Dahm were made honorary pages.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Mike Wulfers, M.D., and his wife, Mary, Cape Girardeau.

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Jan Martinette and Missi Brockman, Grandview; Kimberly Hill, Steve Gromowsky, Jerry Gallagher, Jim Brosnahan, Ken Bonner and Victor Smith, Kansas City; Kim Luger and Michael Robie, Leawood, Kansas; Mary J. Collins, Shawnee, Kansas; and Ms. Mahnaz Shabbir, Stilwell, Kansas.

Senator McKenna introduced to the Senate, Mrs. Ann Hoffman and thirteen eighth grade students from St. John's Catholic School, Imperial; and Keith Scheurer, Maria Zinser, Barbara Eldridge and Katie Tichacek were made honorary pages.

Senator Caskey introduced to the Senate, Warrensburg Chamber of Commerce Military Affairs Committee and officers' wives at Whiteman Air Force Base.

Senator Caskey introduced to the Senate, his wife, Kay and his brother, Robert Caskey, Butler; and Laura Crockett, Windsor.

Senator Caskey introduced to the Senate, Mary Judy, Jessica Judy and Lynn Gansert, Raymore.

Senator Rohrbach introduced to the Senate, Michael and Sheila O'Connor, and their son, Michael, Arklow, Ireland.

Senator Ehlmann introduced to the Senate, Mary Blackley, and twenty-six eighth grade students from St. Paul School, St. Paul.

Senator Ehlmann introduced to the Senate, his wife, Jean, and their sons, Brendan and Will, St. Charles.

Senator House introduced to the Senate, Max Starkaloff, Karen Hirsch and Bill Sheldon, St. Louis; Don Arnold, Fulton; Kenny Emmons, Cape Girardeau; Eugene Weathers, Fayette; and Kay Rauscher, Kirksville.

On behalf of Senator Mathewson, the President introduced to the Senate, Jeanette Lohman, Jefferson City.

Senator Howard introduced to the Senate, Tim Davis, Risco; and Chris Bradley, St. Louis County.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIRST DAY--THURSDAY, APRIL 4, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, in Jesus we see the perfect example of a selfless, caring and concerned person who was devoted to the needs of others. We are not perfect, but we do care. Help us to turn this care into deeds that will benefit those we serve. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Johnson	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Russell offered Senate Resolution No. 1107, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Murrell Williams, Independence, which was adopted.

Senator Mathewson offered Senate Resolution No. 1108, regarding Military Appreciation/ Recognition Day, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Brigette B. Dabney, as a member of the Drug Utilization Review Board;

Also,

Daniel R. Baldwin, as a member of the Missouri State Historical Records Advisory Board;

Also,

Kenneth C. Hensley, as a member of the Public Defender Commission;

Also,

Susan Lee Pentlin, Ph.D., as a member of the Missouri Commission on Human Rights;

Also,

David M. Millin, ASA, as a member of the Real Estate Appraisers Commission;

Also,

M. Theresa Hupp and Jerry L. Leath, as members of the Missouri Citizen's Commission on Compensation for Elected Officials;

Also,

Delores A. Hudson, as a member of the Missouri Health and Educational Facilities Authority;

Also,

William E. James, as a member of the Missouri State Lottery Commission;

Also,

Donald M. Claycomb, Ph.D., as a member of the Missouri Head Injury Advisory Council.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 8**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 4**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1103**, begs leave to report that it has considered the same and recommends that the resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, which was requested by the sponsor to consider taking Senate Bill No. 777 out of order under the provisions of Senate Rule No. 6, begs leave to report that it has considered the request and recommends that Senate Bill No. 777 do be considered out of order.

Senator Banks moved that the above committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators

Johnson Scott--2

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 777**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 777**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 777

An Act relating to court costs.

Was taken up.

Senator Moseley moved that **SCS** for **SB 777** be adopted, which motion prevailed.

On motion of Senator Moseley, **SCS** for **SB 777** was declared perfected and ordered printed.

RESOLUTIONS

Senator Caskey moved that **SR 1103** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SR 1103** was adopted.

HOUSE BILLS ON THIRD READING

HCS for **HB 1003**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1003** be adopted.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, Page 11, Section 3.170, Lines 2 to 4, by deleting all of the said lines and inserting in lieu thereof the following:

"For the purpose of funding the operation of the Missouri Rehabilitation Center

From General Revenue.....\$13,341,694

From Missouri Rehabilitation Center

Earnings Fund.....\$1,250,000 E

From Department of Health Institutional

Gift Fund.....\$ 100,000 E

Total.....\$ 14,691,694".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1003, Page 10, Section 3.145, Line 4, by deleting the number "317,669,236" and inserting in lieu thereof the number "317,169,236"; and further amend said section, line 9, by deleting the number "353,029,702" and inserting in lieu thereof the number "352,529,702".

Senator Caskey moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1003**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1003**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Klarich--1

Absent with leave--Senators

Johnson Scott--2

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1004, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Highways and Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1004, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Highways and Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1004** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 1004** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Johnson Scott--2

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1005, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1005, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1005** be adopted.

Senator Lybyer offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, Page 22, Section 5.335, Line 2, by deleting the words ", other than Greene County,".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS for HCS for HB 1005**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 1005**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley

Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senator Melton--1		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
Johnson	Scott--2		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1006, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Conservation, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1006, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Conservation, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1006** be adopted.

Senator Lybyer offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, Page 13, Section 6.205, Line 9, by deleting said line and inserting in lieu thereof the following new line:

"From Federal Funds and

Other Funds.....\$2,537,091".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, Page 12, Section 6.110, Line 4, by deleting the number "24,800" and inserting in lieu thereof the number "65,300"; and further amend said section, line 7, by deleting the number "360,299" and inserting in lieu thereof the number "400,799"; and further amend said section, line 13, by deleting the number "1,997,577" and inserting in lieu thereof the following number "2,038,077".

Senator Westfall moved that the above amendment be adopted, which motion failed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1006**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1006**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator Mathewson--1

Absent with leave--Senators

Johnson	Scott--2
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The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1007, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1007, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1007** be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Under the provisions of Senate Rule 90, Senator Moseley requested unanimous consent of the Senate to be excused from voting, which request was granted.

On motion of Senator Lybyer, **SCS for HCS for HB 1007** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Johnson Scott--2

Excused from voting--Senator Moseley--1

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1008, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1008, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1008** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 1008** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell

Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senator Singleton--1		
	Absent--Senator Ehlmann--1		
	Absent with leave--Senators		
Johnson	Scott--2		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator McKenna assumed the Chair.

HCS for **HB 1009**, with **SCS**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1009** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, Page 11, Section 9.361, Line 6, by inserting immediately after said line, the following:

"9.362. To the Department of Corrections

For the Division of Adult Institutions

For the purpose of funding a

boot camp within the Potosi

Correctional Center

Personal Service.....	\$ 161,200
Expense and Equipment.....	98,800
From General Revenue Fund (Not to exceed 8 F.T.E.).....	\$ 260,000"

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1009**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1009**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
Nays--Senators--None			
Absent--Senator Bentley--1			
Absent with leave--Senators			
DePasco	Johnson	Scott--3	

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

President Wilson assumed the Chair.

HCS for HB 1010, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1010, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1010** be adopted.

Senator Howard offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Page 31, Section 10.640, Line 13, by deleting the number "3,545,000" and inserting in lieu thereof the number "3,000,000"; and further amend said Section, Line 28, by deleting the number "15,914,994" and inserting in lieu thereof the number "15,369,994".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Page 32, Section 10.640, Lines 1 to 13, by striking all of said lines and inserting in lieu thereof the following:

"For funding to local health departments

and licensed hospitals to provide

pregnancy testing and follow-up

services.....\$ 664,000

For funding to local health departments

and licensed hospitals to provide

a) alternative to abortion services for

pregnant women and b) family planning

services, expenditures to be equally

divided for both purposes\$1,800,000".

Senator Rohrbach moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, Page 32, Section 10.640, Lines 1 and 2, by striking all of said lines and inserting in lieu thereof the following:

"For funding to local health departments

and licensed hospitals to provide pregnancy

testing and follow-up services\$ 664,000

For funding to local health departments

and licensed hospitals to provide

alternative to abortion services for

pregnant women.\$ 900,000"

And further amend said bill by adjusting the totals accordingly.

Senator Rohrbach moved that the above substitute amendment be adopted.

On motion of Senator Banks, the Senate recessed for 10 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

SSA 1 for **SA 2** was again taken up.

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1010**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1010**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Ehlmann	Flotron	Goode	Graves
House	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators

DePasco	Johnson	McKenna	Scott--4
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The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1011, with SCS, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1011, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS for HCS for HB 1011** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS for HCS for HB 1011** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

DePasco	Johnson	McKenna	Scott--4
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The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HB 1012, with SCS, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for HCS for HB 1012, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1012** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1012** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Melton	Staples--2
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Absent with leave--Senators

DePasco	Johnson	McKenna	Scott--4
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The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for HB 1020--Appropriations.

HB 1554--Civil and Criminal Jurisprudence.

HB 1466--Corrections and General Laws.

HB 1419--Corrections and General Laws.

HB 1604--Elections, Pensions and Veterans' Affairs.

HB 1601--Aging, Families and Mental Health.

HB 1610--Conservation, Parks and Tourism.

HB 985--Financial and Governmental Operations.

HS for HB 832--Elections, Pensions and Veterans' Affairs.

HS for HCS for HBs 1301 and 1298-- Education.

HCS for HBs 800, 812, 817 and 821--Civil and Criminal Jurisprudence.

HS for HCS for HBs 1169 and 1271--Civil and Criminal Jurisprudence.

HS for HB 1368--Labor and Industrial Relations.

HB 811--Public Health and Welfare.

HB 1619--Public Health and Welfare.

HB 1086--Civil and Criminal Jurisprudence.

HB 1050--Corrections and General Laws.

HB 1598--Financial and Governmental Operations.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1377**, entitled:

An Act relating to certain health care providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1361**, entitled:

An Act to repeal section 476.690, RSMo Supp. 1995, relating to judges' retirement, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 908**, entitled:

An Act to repeal sections 303.024, 303.025, 303.026, 303.030, 303.042, 303.043, 303.140, 303.290, 303.370 and 379.203, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1159, 842 and 799**, entitled:

An Act to repeal sections 313.010, 313.020, 313.040, 313.055 and 313.057, RSMo 1994, relating to bingo, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, entitled:

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 876**, entitled:

An Act to repeal sections 386.020 and 622.090, RSMo 1994, relating to the regulation of certain transportation activities, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1506**, entitled:

An Act to repeal section 306.100, RSMo 1994, and section 306.010, RSMo Supp. 1995, relating to watercraft regulations, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1109, regarding the Second Baptist Church of Neosho, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, Kathy Jones, Nancy Miller, and fifth grade students from Greenwood Laboratory School, Springfield; and Jon Jones, Abbey Miller, Brennan Pratt and Tyler Montileone were made honorary pages.

Senator Westfall introduced to the Senate, Darrell Decker, Springfield.

Senator Staples introduced to the Senate, Pat Henson and eighth grade students from Belleview School, Belleview.

Senator Moseley introduced to the Senate, Erin Respohl and sixty fourth grade students from Russell Boulevard Elementary School, Columbia.

Senator Russell introduced to the Senate, Deborah Burgard, parents, teachers, and students from Manes Elementary School, Wright County.

Senator Caskey introduced to the Senate, Larry Descomber and thirty eighth grade students from Leeton School, Leeton.

Senator Melton introduced to the Senate, Mr. Ripple and twenty eighth grade students from Shell Knob School, Shell Knob.

On motion of Senator Banks, the Senate adjourned until 3:00 p.m., Tuesday, April 9, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SECOND DAY--TUESDAY, APRIL 9, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, because of crimes and violence many songs go unsung, many books go unwritten and many dreams go unfilled. In a nation where laws have made us free, may they also make us safe. In a nation which guarantees equal rights for all people, we pray that all people will be treated equally. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 4, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1110, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs.

Joseph Gray, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 1111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford Roberts, Mercer, which was adopted.

Senator Graves offered Senate Resolution No. 1112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Max Wescoat, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 1113, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ervin (Pete) Garr, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1114, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Sammie Jones, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1115, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eugene Holmes, Gower, which was adopted.

Senator Graves offered Senate Resolution No. 1116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Albert Edwards, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1117, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Donald Gross, Bosworth, which was adopted.

Senator Graves offered Senate Resolution No. 1118, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Samuels, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1119, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Amos, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George M. Reed, Brookfield, which was adopted.

Senator Graves offered Senate Resolution No. 1121, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gaylon Stewart, Tina, which was adopted.

Senator Graves offered Senate Resolution No. 1122, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Ronald Duffy, Altamont, which was adopted.

Senator Graves offered Senate Resolution No. 1123, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Golston, Bloomfield, which was adopted.

Senator Graves offered Senate Resolution No. 1124, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edgar Thurnau, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1125, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Keith Abbey, Trenton, which was adopted.

Senator Kinder offered Senate Resolution No. 1126, regarding the Charleston High School Boys Basketball Team, which was adopted.

Senator Wiggins offered Senate Resolution No. 1127, regarding Dr. William T. Betz, D.O., Grandview, which was adopted.

Senator Wiggins and Senator Kenney offered the following resolution, which was adopted:

WHEREAS, the Members of the Missouri Senate have been deeply saddened to learn of the death of Mrs. Kathleen Mahoney Wise, of Kansas City; and

WHEREAS, Mrs. Wise, known as Kathy by her many friends and admirers, was a native of Kansas City, and was a founder and Past President of the Missouri Right to Life; and

WHEREAS, Mrs. Wise had served as Program Coordinator for the National Legal Center for the Medically Dependent and Disabled; Director of Development for the Good Shepherd Center; Director of Development for the Don Bosco Center; and as an independent consultant for human service organizations; and

WHEREAS, Mrs. Wise was a charter member of the Northeast Optimist Club, was a member of the Greater Kansas City Council on Philanthropy; and had been appointed to the Missouri Children's Trust Fund Board of Directors where she also served as Chairperson of the Public Education Committee; and

WHEREAS, Mrs. Wise was a charming and personable lady who was extremely effective in her efforts and was devoted to her family and friends; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Mrs. Kathleen Mahoney Wise, express their appreciation for her lifetime of good citizenship, and her contributions to Kansas City, and Missouri, and extend to her husband Stephen J. Wise, family and many friends most sincere sympathy on her death;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. Stephen J. Wise, Christine M. Lee, David L. Edwards, Stephen A. Edwards, Michelle Edwards and Mr. and Mrs. George T. Mahoney.

Senator Flotron offered Senate Resolution No. 1129, regarding Steve German, which was adopted.

Senator Kenney offered Senate Resolution No. 1130, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Anderson, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1131, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Gray, Independence, which was adopted.

Senator Kenney offered Senate Resolution No. 1132, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee K. Oberweather, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1133, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ed Breon, Lee's Summit, which was adopted.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1259**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 777**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1117**, begs leave

to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1431**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1601**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1601, Page 1, In the Title, Line 2, by deleting the words "to the city of Fulton"; and

Further amend said bill, page 4, section 2, line 75, by inserting immediately after said line, the following:

"Section 3. 1. The governor of the state of Missouri is hereby authorized to grant, sell and convey certain excess lands of the state of Missouri adjacent to Fulton state hospital to the county of Callaway for valuable consideration as agreed to by the parties.

2. The property to be conveyed is more particularly described as follows:

Part of the S.E. 1/4, Sec. 16 T47N.R9W. Callaway County, Mo., described as follows: commencing at a 1/2" iron pin at the East 1/4 corner of said Sec. 16, thence N. 87°32'57" W along the east-west mid-section line of said Sec. 16, 530 feet to a 1/2" iron pin at the N.W. Corner of the Diagnostic property, thence S 01°32'02" W along the west line of said Diagnostic property 849.44 feet to the true point of beginning, thence continue S 01°32'02" along said line 100 feet to the N.E. corner of the Callaway County Jail property. Thence N 87°32'57" W along the north line of said property 500.00 feet to the N.W. corner of said property, thence N 01°38'02" E 100 feet. Thence S 87°32'57" E 500.00 feet to the true point of beginning. Containing 1.15 acres, subject to any rights of way, easements or restrictions existing or of record.

3. The attorney general shall approve as to form the instrument of conveyance."

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1346**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **HB 1248**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1248, Page 1, Section 12.027, Line 2, by inserting after the word "lands" the following: **"and lands acquired after the effective date of this section"**; and

Further amend said bill, Page 1, Section 12.027, Line 7, by deleting the word "Historical" and inserting in lieu thereof the following: "[Historical] **Historic**".

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following

reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 766**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1355**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1355, Page 1, Section 105.665, Line 6, by deleting the words "**and assumptions**"; and

Further amend said bill, Page 1, Section 105.665, Line 7, by deleting the following: "**. The cost statement**" and inserting in lieu thereof the following: "**and**"; and

Further amend said bill, Page 2, Section 105.665, Line 25, by deleting the opening bracket "["; and

Further amend said bill, Page 2, Section 105.665, Line 26, by deleting the closing bracket "]; and

Further amend said bill, Page 2, Section 105.665, Line 27, by inserting after the word and closing bracket "assumptions]" the following: ", **which**"; and

Further amend said bill, Page 2, Section 105.665, Line 28, by inserting after the word "**plan**" the following: ", **unless the nature of the proposed change is such that alternative assumptions are clearly warranted,**"; and

Further amend said bill, Page 3, Section 105.675, Line 7, by deleting the word "**chief**"; and

Further amend said bill, Page 3, Section 105.675, Line 7, by deleting the words "**of the senate**".

SENATE BILLS FOR PERFECTION

At the request of Senator Maxwell, **SB 757** was placed on the Informal Calendar.

At the request of Senator McKenna, **SB 597** and **SB 729**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator DePasco, **SB 851**, with **SCS**, was placed on the Informal Calendar.

Senator Goode moved that **SB 507**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 507**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 507

An Act to repeal sections 386.020, 392.180, 392.410, 392.450, and 392.530, RSMo 1994, relating to the regulation of telecommunications companies, and to enact in lieu thereof ten new sections, relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SB 507** be adopted.

Senator Goode offered **SS** for **SCS** for **SB 507**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 507

An Act to repeal sections 386.020, 392.180, 392.200, 392.220, 392.410, 392.450, and 392.530, RSMo 1994, relating to the regulation of telecommunications companies, and to enact in lieu thereof fifteen new sections, relating to the same subject, with an emergency clause.

Senator Goode moved that **SS** for **SCS** for **SB 507** be adopted.

Senator Quick assumed the Chair.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 48, Section 392.248, Line 1, by inserting immediately after said line, the following:

"14. The state board of probation and parole, the department of corrections or the county commission of any county may enter into a contract with a public or private telecommunications company or cable television service company for the provision of collection services for fines, fees, restitution, and other costs ordered to be paid by a court."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Klarich, **SA 1** was withdrawn, rendering the point of order moot.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 24, Section 392.201, Line 20 of said page, by striking the following words and comma ",": "including content,".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Wiggins assumed the Chair.

At the request of Senator Goode, **SB 507**, with **SCS**, and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 20**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1002**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1003**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1004**, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1005**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1006**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1007**, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1008**, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 1009**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HCS for **HB 1010**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HCS for **HB 1011**, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt SCS for HCS for **HB 1012**, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 999**, entitled:

An Act to repeal section 334.735, RSMo 1994, and sections 334.500 and 334.740, RSMo Supp. 1995, relating to licensing and regulating certain health care professionals, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1113**, entitled:

An Act to repeal sections 173.250 and 313.835, RSMo 1994, relating to certain scholarship programs, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 5, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William Hayden Creech, Jr., Democrat, 1300 Boone Street, Troy, Lincoln County, Missouri 63379, as a member of the Missouri Housing Development Commission, for a term ending October 13, 1999, and until his successor is duly appointed and qualified; vice, Giana Snyder Andrews, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 5, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia Ann Flood, Democrat, 402 Flanders Drive, Warson Woods, St. Louis County, Missouri 63122, as a member of the Missouri Ethics Commission, for a term ending March 15, 2000; vice, Cynthia Goforth, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 5, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dean Eugene Freeman, Republican, Rural Route 2 Box 39, Oregon, Holt County, Missouri 64473, as a member of the Dam and Reservoir Safety Council, for a term ending May 12, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 5, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dan A. Needham, 499 Duckhead Road, Lake Ozark, Camden County, Missouri 65049, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until his successor is duly appointed and qualified; vice, Nathan B. Walker, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

Senator Lybyer requested unanimous consent of the Senate to make one motion to send **SCS for HCS for HB 1002**, as amended, through **SCS for HCS for HB 1012** to conference, which request was granted.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to recede from its position on **SCS for HCS for HB 1002**, as amended; **SCS for HCS for HB 1003**, as amended; **SCS for HCS for HB 1004**; **SCS for HCS for HB 1005**, as amended; **SCS for HCS for HB 1006**, as amended; **SCS for HCS for HB 1007**; **SCS for HCS for HB 1008**; **SCS for HCS for HB 1009**, as amended; **SCS for HCS for HB 1010**, as amended; **SCS for HCS for HB 1011**; and **SCS for HCS for HB 1012**, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committees to act with like committees from the House on **SCS for HCS for HB 1002**, as amended; **SCS for HCS for HB 1003**, as amended; **SCS for HCS for HB 1004**; **SCS for HCS for HB 1005**, as amended; **SCS for HCS for HB 1006**, as amended; **SCS for HCS for HB 1007**; **SCS for HCS for HB 1008**; **SCS for HCS for HB 1009**, as amended; **SCS for HCS for HB 1010**, as amended; **SCS for HCS for HB 1011**; and **SCS for HCS for HB 1012**: Senators Lybyer, Wiggins, Goode, Russell and Melton.

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, former Senator Jim Taylor and his wife, their granddaughters April Taylor and Briana Sprick, Kansas City.

Senator Westfall introduced to the Senate, Melinda Bruce, Walker; Jason Fowler, Sheldon; Chastity Majors, Schell City; Ashley McNeil, Bronaugh; and Jessie Ketterman, Karen Hertzberg and Mary Alice Shannon, Nevada.

Senator Caskey introduced to the Senate, the Physician of the Day, Dr. Marla Tobin and her husband, Ron Bowman, Higginsville; and Sami Babrakzai and her son, Adam, Warrensburg; and Adam was made an honorary page.

Senator Caskey introduced to the Senate, Allison Rhodes, Windsor; Sherry Brooks, Hume; Andrea Steuck, Rich Hill; and Grant Yoder, Butler.

Senator Schneider introduced to the Senate, Betty Sheller and ninety fourth and fifth grade students from Walker Elementary School, Florissant; and Ashley White, Eric Green, Erin Gall and Laura Timmerman were made honorary pages.

On behalf of Senator Wiggins, the President introduced to the Senate, Councilman Jim Glover, Kansas City.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-THIRD DAY--WEDNESDAY, APRIL 10, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we spend a lot of time making, discussing and even breaking the law. We are thankful for a land where laws are made by the people we choose. We pray that all of our laws might reflect what James in the Bible calls the royal law-love. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1134, regarding LaChelle Harton, Grandview, which was adopted.

Senator Howard offered Senate Resolution No. 1135, regarding Red Wootan, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 1136, regarding the Say-Yes Group of Caruthersville Middle School, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1086**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1086, Page 2, Section 574.085, Line 18, by striking "five hundred" and inserting in lieu thereof the following: "**one thousand**"; and further on line 21, by striking "two thousand five" and inserting in lieu thereof the following: "**five thousand**".

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 1554**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1554, Page 1, Section 482.330, Line 3, by striking the word "ten" and inserting in lieu thereof the word "**eight**".

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1359**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1359, Page 2, Section 37.005, Line 34 by striking the words "facilities and"; and further amend said line, by inserting immediately after "any" the word "**state**"; and further amend line 35, by striking the words "the facility or some part of such facility" and inserting in lieu thereof the following: "**such grounds**"; and further amend line 36, by striking the words "state property" and inserting in lieu thereof the following: "**grounds**".

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1566**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1110**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1110, Page 1, Section 326.060, Line 9, by striking the following: "[1999] 2000" and inserting in lieu thereof the following: "**1999**"; and

Further amend said bill and section, page 2, line 13, by striking the following: "[1999] 2000" and inserting in lieu thereof the following: "**1999**"; and

Further amend said bill, page 8, section 326.210, line 33, by striking "[or]" and inserting in lieu thereof the word "**or**".

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1286**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1168**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1168, Page 1, Section 1, Line 3, by inserting immediately after the word "**state**" the following: ", **county**".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1168, Page 1, In the Title, Line 2, by inserting immediately after "day" the following: ", with an emergency clause"; and

Further amend said bill, page 1, section 1, line 5, by inserting immediately after said line the following:

"Section A. As a result of time constraints, the need to show the proper respect to peace officers killed or disabled in the performance of their duties, and the need to educate and inform Missourians so that in the future fewer peace officers will be killed or disabled in the performance of their duties, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution which shall be in full force and effect upon passage and approval."

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1400**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1400, Page 3, Section 103.008, Line 18, by striking the word "a" and inserting in lieu thereof the word "**any**"; and

Further amend said bill, page 3, section 103.079, line 2, by striking the following: ", and the division of employment security".

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1208**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Moseley, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 1523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 1166**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **HCS** for **HB 895** and **HB 986**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

CONCURRENT RESOLUTIONS

Senator Howard offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, agriculture is an ever-changing and ever-expanding industry; and

WHEREAS, in order to survive and make a living in today's market environment, farmers must continue to expand the uses of their products and to find ways to enhance the competitiveness of their farms through the development of new agricultural products; and

WHEREAS, the production of industrial hemp could provide Missouri farmers an additional alternative product; and

WHEREAS, hemp was one of the first plants to be cultivated by humans, more than 12,000 years ago; and

WHEREAS, paper was invented using hemp in China more than 2,000 years ago; and

WHEREAS, hemp was widely grown as a cash crop in Colonial America and was even used to pay taxes. George Washington and Thomas Jefferson grew hemp, and it was turned into paper at a mill owned by Benjamin Franklin; and

WHEREAS, two of the most important documents in the history of the United States, the Constitution and Declaration of Independence, were drafted on hemp paper; and

WHEREAS, Rudolph Diesel designed his engine to run on hemp oil; and

WHEREAS, an acre of hemp produces four times as much paper as an acre of trees and produces an acid-free paper that lasts 1,500 years compared to wood-based paper's shelf-life of 25 to 100 years; and

WHEREAS, hemp is naturally pest and disease resistant and therefore grows without the use of pesticides or herbicides; and

WHEREAS, the roots of hemp penetrate the soil nine to 14 inches deep, bringing subsoil nutrients to the surface and protecting the soil from erosion; and

WHEREAS, hemp produces one of the strongest natural fibers and will produce 10 times more fiber per acre per year than a fully mature forest. It takes 300 years for a forest to grow while a hemp crop matures once a year; and

WHEREAS, the production of industrial hemp does not interfere with the regulation of controlled substances in Missouri since industrial hemp contains a very low THC (delta-9-tetrahydrocannabinol) level and is harvested before reaching that low level. In addition, a permit is required from the federal drug enforcement agency before research can proceed; and

WHEREAS, the University of Missouri Research facility is one of the premier agricultural research facilities in the nation; and

WHEREAS, the development and use of industrial hemp could be in the best interests of the state economy and agriculture in that industrial hemp may be used for the manufacture of rope, sacks, batts, yarn, paper, composite materials, thread, cordage, cloth and other such products as may be made from the fiber or sterilized seed as have been or which may be developed;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, that the University of Missouri be authorized to grow industrial hemp so as to conduct research on commercial uses for industrial hemp; and

BE IT FURTHER RESOLVED that the University of Missouri submit an annual report of its findings to each successive General Assembly by January 1st; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare on hemp paper a properly inscribed copy of this Resolution for the Dean of the College of Agriculture at the University of Missouri.

On behalf of President Pro Tem Mathewson, Senator Banks referred the above concurrent resolution to the Committee on Rules, Joint Rules and Resolutions.

THIRD READING OF SENATE BILLS

SCS for **SB 759**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 759**

An Act to repeal sections 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270 and 375.1275, RSMo 1994, relating to risk-based capital requirements for insurers, and to enact eleven new sections relating to the same subject.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **SCS** for **SB 759** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay Curls Moseley--3

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SBs 638** and **753**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 638 and 753

An Act to repeal sections 429.015 and 431.180, RSMo 1994, relating to certain liens on real property, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **SS** for **SCS** for **SBs 638** and **753** be read the 3rd time and passed, which motion failed to receive a constitutional majority by the following vote:

Yeas--Senators

Caskey	Clay	Klarich	Mathewson
Maxwell	McKenna	Rohrbach	Russell
Treppler--9			

Nays--Senators

Banks	Bentley	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Kenney	Kinder	Lybyer
Melton	Moseley	Mueller	Quick
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--23	

Absent--Senators

Curls Johnson--2

Absent with leave--Senators--None

SCS for **SB 777**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 777

An Act relating to court costs.

Was taken up by Senator Moseley.

On motion of Senator Moseley, **SCS** for **SB 777** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Flotron--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson assumed the Chair.

Senator Banks requested unanimous consent of the Senate that the order of business of the Senate be a special ceremony honoring the United States Military Forces and that members of the Military be allowed special access to the Chamber, which request was granted.

The Color Guard posted the Colors.

The following resolution was read:

SENATE RESOLUTION NO. 1108

WHEREAS, the members of the Missouri Senate deem it both proper and necessary to give due support and recognition to those dedicated fighting men and women of our military forces who stand ever-ready to answer America's call to action in times of need; and

WHEREAS, on April 10, 1996, Missouri Governor Mel Carnahan and the leaders of the Missouri General Assembly will host a Military Appreciation/Recognition Day in honor of the many individuals who have served this great state and nation in the Show-Me State as members of the armed forces; and

WHEREAS, this momentous Military Appreciation/Recognition Day is aimed at recognizing the service and sacrifices made by all those individuals associated with the military, be they active duty members, reserve members, retired, National Guard members, veterans, or POW/MIAs; and

WHEREAS, the upcoming Military Appreciation/Recognition Day activities will be highlighted by a special ceremony recognizing two Congressional Medal of Honor winners, Mr. Donald E. Ballard and Mr. William E. Hall, both of whom have attained a rare measure of distinction for their service the United States Navy; and

WHEREAS, William Hall earned his Congressional Medal of Honor for his exceptionally brave and meritorious actions as a Navy Pilot with the rank of Lieutenant, Junior Grade, during World War II; and

WHEREAS, Donald Ballard earned his Congressional Medal of Honor for remarkably courageous and valiant actions on behalf of his brothers in arms as a Navy Hospital Corpsman, Second Class, during the Vietnam War; and

WHEREAS, it is entirely appropriate that the Missouri General Assembly and all Missourians should join on Military Appreciation/Recognition Day to acknowledge the many important contributions these service men and women have made to help preserve this nation's freedom and prosperity:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously in paying tribute to all of Missouri's military personnel, both past and present, who have collectively established a military tradition second to none, and further extend to them our very best wishes as they continue to serve and to sacrifice in the interest of their fellow Americans; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation during Military Appreciation/Recognition Day.

Senator Mathewson moved that the above resolution be adopted, which motion prevailed.

President Pro Tem Mathewson presented the resolution to members of the Military.

Captain Douglas Rush, representing the United States Navy, approached the dais and addressed the members of the

Senate.

President Pro Tem Mathewson resumed the Chair.

The Color Guard retired the Colors.

CONCURRENT RESOLUTIONS

Senator Caskey moved that **SCR 25** be taken up for adoption, which motion prevailed.

On motion of Senator Caskey, **SCR 25** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Quick	Staples--3
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Absent with leave--Senators--None

Senator Wiggins resumed the Chair.

THIRD READING OF SENATE BILLS

Senator Flotron moved that **SB 844** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Flotron moved that **SB 844** be read the 3rd time and finally passed, which motion failed to receive a constitutional majority by the following vote:

Yeas--Senators

Clay	Curls	DePasco	Flotron
Klarich	McKenna	Mueller	Rohrbach
Russell	Scott	Singleton	Treppler--12

Nays--Senators

Banks	Bentley	Caskey	Ehlmann
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Mathewson
Maxwell	Melton	Moseley	Quick
Schneider	Sims	Staples	Westfall
Wiggins--21			

Absent--Senator Lybyer--1

Absent with leave--Senators--None

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 757** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Maxwell, **SB 757** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following reports:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 929**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1123**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1260**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Commerce and Environment, to which was referred **HB 1440**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Melton offered Senate Resolution No. 1137, regarding the Fiftieth Anniversary in the ministry of the Reverend Paul Franklin Watson, Washburn, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1138, regarding the St. Charles West High School Wrestling Squad, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1139, regarding Mr. Craig Martin, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1140, regarding Mr. Fran Martin, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1141, regarding Mr. Eric Caldwell, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1142, regarding Mr. Jeff Auten, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1143, regarding Charlie Rallo, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1144, regarding Shane Allen, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1145, regarding Jason Moore, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1146, regarding Jake Newsham, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1147, regarding Tim Michel, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1148, regarding John Lorenson, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1149, regarding Mark Vollmar, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1150, regarding Scott Bray, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1151, regarding Lance Wilson, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1152, regarding Tim Rundel, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1153, regarding Brian Kos, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1154, regarding Chad Benwell, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1155, regarding Eric Helscher, St. Charles West High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1156, regarding Sean Fowler, Francis Howell North High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1157, regarding Josh Overy, Francis Howell North High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1158, regarding Kraig Johnson, Francis Howell North High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1159, regarding Andy Ladlie, Fort Zumwalt North High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1160, regarding Gary Peterson, Fort Zumwalt North High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1161, regarding Erik Simms, Wentzville High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1162, regarding Dan Alexander, Wentzville High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1163, regarding Kyle Houston, Wentzville High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1164, regarding Kenny Graser, Wentzville High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1165, regarding Jeremy Talley, Fort Zumwalt South High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1166, regarding Chris Bilodeau, Fort Zumwalt South High School, which was adopted.

Senators Ehlmann and House offered Senate Resolution No. 1167, regarding the Francis Howell High School Wrestling Team, which was adopted.

Senator Caskey offered Senate Resolution No. 1168, regarding the "Lady Bobcats" basketball team, Drexel, which was adopted.

Senator Treppler offered Senate Resolution No. 1169, regarding Jeanne Hacker, Concord, which was adopted.

Senator Treppler offered Senate Resolution No. 1170, regarding Garrett John O'Connell, V, St. Louis County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HBs 904, 788** and **966**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HS** for **HCS** for **HBs 1069**,

794, 807, 936, 1128, 1153 and 1202, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1097**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1473**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1619**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 507**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SB 507**, as amended, was again taken up.

Senator Banks offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 1, Section A, Line 6 of said section, by inserting immediately after said line, the following:

"170.250. 1. The "Video Instructional Development and Educational Opportunity Program" is established to encourage all educational institutions in Missouri to supplement educational opportunities through telecommunications technology and satellite broadcast instruction. The program established by this section is to be administered by the state board of education. The program shall consist of:

(1) Grants to local school districts, state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, for equipment and instruction;

(2) Instructional programs developed [under] **pursuant to** this section and transmitted through the airwaves, over telephones lines, or by cable television which are available for all residents of this state without charge as defined in this section; and

(3) Instructional programs developed [under] **pursuant to** this section which are available to any subscriber according to this section.

2. The "Video Instructional Development and Educational Opportunity Fund" is established in the state treasury and shall be administered by the department of elementary and secondary education at the direction of the state board of education. Moneys deposited in the fund shall consist of revenues generated from state sales and use tax revenues as

provided in chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions as provided in subsection 3 of this section. Moneys in the fund shall be used solely for purposes established by this section, except that the department of revenue shall retain no more than one percent of sales tax revenues collected for its administrative costs and all administrative costs of this program incurred by the department of elementary and secondary education shall be paid from this fund, which costs shall not exceed two percent. The administrative fees of the department of revenue and the department of elementary and secondary education shall be determined annually in the appropriation process. Any unexpended balance in the fund at the end of a fiscal year shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund.

3. Until December 31, 1994, the commissioner of administration shall annually estimate and furnish to the director of the department of revenue the appropriate amount of state tax revenues collected [under] **pursuant to** chapter 144, RSMo, which are directly attributable to the rental of films, records or any type of sound or picture transcriptions. However, the estimate shall only include state sales and use tax revenues collected [under] **pursuant to** chapter 144, RSMo, which are normally deposited in the state general revenue fund. The director of revenue shall transfer from state sales tax revenues an amount equal to the estimate to the fund provided in subsection 2 of this section. After December 31, 1994, the seller shall separately report on the return to the department of revenue, the aggregate amount of the gross receipts and the amount of tax collected on the rental of films, records or any type of sound or picture transcriptions. The director of revenue shall annually transfer state sales tax revenues collected on the rental of films, records or other type of sound or picture transcriptions, except revenues allocated to the school district trust fund pursuant to section 144.701, RSMo, to the video instructional development and educational opportunity fund. Beginning January 1, 1999, such revenues shall be deposited to the credit of the general revenue fund.

4. Within the department of elementary and secondary education, there is established an advisory committee which shall make recommendations to the state board of education on the grant program. The committee shall be composed of twenty-nine members. The members of the committee shall consist of one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the state board of education, one representative of public television stations as defined in section 37.205, RSMo, and one representative of the cable television industry appointed by the coordinating board for higher education, three classroom teachers from the elementary and secondary level appointed by the state board of education, three school administrators of elementary or secondary schools appointed by the state board of education, three members of school boards of local public school districts appointed by the state board of education, four representatives from public community college districts appointed by the coordinating board for higher education, four representatives of state-supported institutions of higher education other than community colleges appointed by the coordinating board for higher education, one representative of the regional consortium for education and technology appointed by the state board of education, one representative of the cooperating school districts of the St. Louis suburban area appointed by the state board of education, two representatives of the public appointed by the governor with the advice and consent of the senate, two members of the senate appointed by the senate president pro tem and two members of the house of representatives appointed by the speaker of the house of representatives. Of all members appointed by the state board of education, no more than four shall be from any one congressional district and of all the members appointed by the coordinating board for higher education, no more than four shall be from any one congressional district. The members of the committee shall serve three-year terms and shall not serve more than two terms consecutively. However, committee members having served two consecutive terms may be reappointed after leaving the committee for at least one three-year term. On August 28, 1992, the committee shall designate nine of its members to serve a term of one year, ten of its members to serve a term of two years, and ten of its members to serve a term of three years. All subsequent appointments shall be for three years. All members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred while serving on the committee out of funds appropriated for that purpose. The committee shall meet at least quarterly and shall annually issue a report together with its recommendations to the state board of education and the general assembly.

5. The state board of education may cooperate with existing programs including the University of Missouri, other institutions of higher education, the cooperating school districts of the St. Louis suburban area, or its successor organization, the regional consortium for education and technology or its successor organization, and any statewide organization of public school governing boards and may delegate or contract for the performance or operation of the respective grant programs. The state board of education shall establish appropriate guidelines for participation by the

aforementioned entities and by school districts, community college districts, and public television stations as defined in section 37.205, RSMo, in the grant program. Such guidelines shall include application procedures and shall establish policies for awarding grants in the event that more grant applications are received than are funds available to honor the applications in any fiscal year. In allocating funds to applicants, the state board of education may give due consideration to revenues available from all other sources. The state board of education shall accredit courses offered through this program at the elementary and secondary education level. The coordinating board for higher education shall approve courses taught at the postsecondary level.

6. In any fiscal year, moneys in the fund shall be used first to ensure that any and all school districts, community college districts and state institutions of higher education seeking aid under this program shall receive telecommunications equipment including computers and modems necessary to participate in the satellite learning process or instructional television video; second to provide the school districts, community college districts and state institutions of higher education with access to subjects at the advanced level or the remedial level or which are not taught in the schools of the district or the service area or campus, which subjects shall include courses in continuing education necessary for maintenance or renewal of licenses for all such licensed health care providers; and third to provide enrichment classes for all pupils of the district. However, the state board of education may set aside a portion of the funds to be used to contract with state-supported institutions of higher education and public television stations as defined in section 37.205, RSMo, to develop instructional programs for grades kindergarten through twelve and for undergraduate and graduate coursework suitable for broadcast to the school districts, community college districts and state institutions of higher education as appropriate and to develop the capability to transmit programs cited in this section.

7. Participation by a local school district, a community college district or a state institution of higher education in the program established by this section shall be voluntary. No school district, community college district or state institution of higher education receiving funds under this program shall use those funds for any purpose other than that for which they were intended. Any school district, community college district or state institution of higher education shall be eligible to receive funds under this program regardless of its curriculum, local wealth or previous contractual arrangements to receive satellite broadcast instruction.

8. The office of administration on behalf of the state of Missouri may contract with institutions of higher education for the development or operation or both of state employee training programs transmitted by telecommunications technology.

9. Instructional programs developed [under] **pursuant to** this section which are transmitted one way through the airwaves or by cable television shall be available to all residents of this state without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which [will] **shall** be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant [under] **pursuant to** this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not for profit organization in this state which is exempt from taxation [under] **pursuant to** subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not for profit organization in this state which is exempt from taxation [under] **pursuant to** subdivision (19) of subsection 2 of section 144.030,

RSMo.

10. (1) In order to facilitate or complement telecommunications, [any] local exchange telecommunications [company may] **companies shall** file with the public service commission [a tariff] **tariffs** for provision of **local** service to **public** school districts, **and may file tariffs for provision of local service to** accredited primary or secondary schools owned or operated by private entities[,] and community college districts located within the local exchange telecommunications companies certified area. Such [tariffs may] **local exchange telecommunications companies shall** seek commission authorization to provide **local** service at rates [different from] **lower than** those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

(2) The public service commission may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest. [The local telecommunications company may withdraw the request at any time before provision of the reduced rate service has started.] The commission may promulgate rules to aid in the implementation of this section.

[11. The provisions of this section are severable. If any provision of this section is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this section shall remain in full force and effect.]; and

Further amend said bill, page 24, section 392.201, line 21 of said page, by inserting immediately after said line, the following:

"392.205. The public service commission shall ensure that all public school districts have access to substantially reduced telecommunications rates and may approve the tariff as submitted, or may, after hearing, modify the tariff in the public interest."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 17, Section 392.185, Lines 27 and 28, by deleting all of said lines.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 4, Section 386.020, Line 23 of said page, by inserting immediately after said line, the following:

"(c) The extent to which the purposes and policies of chapter 392, RSMo, including the reasonableness of rates, as set out in section 392.185, RSMo, are being advanced;"; and

Further amend said section and page, line 24 of said page, by striking "(c)" and inserting in lieu thereof the following: **"(d)"**; and further on line 25 of said page, by striking "(d)" and inserting in lieu thereof the following: **"(e)"**.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Quick assumed the Chair.

Senator Schneider offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 4, Section 386.020, Line 25 of said page, by inserting immediately after the word "commission" the following: "**and necessary to implement the purposes and policies of chapter 392**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 22, Section 392.200, Line 2 of said page, by striking the period "." on said line and inserting in lieu thereof the following: ";

(d) The public service commission may waive the requirements of subdivision (2) of subsection 4 of this section when it finds that such waiver is in the public interest and consistent with the policies and purposes of chapter 392, RSMo, as set out in section 392.185, RSMo."

Senator Schneider moved that the above amendment be adopted.

A quorum was established by the following roll call:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Curls	Johnson	Moseley--3
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Absent with leave--Senator Scott--1

Senator Goode offered **SSA 1** for **SA 7**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 23, Section 392.200, Line 20 of said page, by inserting immediately after said line the following:

"9. This act shall not be construed to prohibit the commission, upon determining that it is in the public interest, from altering local exchange boundaries, provided that the incumbent local exchange telecommunications company or companies serving each exchange for which the boundaries are altered provide notice to the commission that the companies approves the alteration of exchange boundaries."

Senator Goode moved that the above substitute amendment be adopted.

President Pro Tem Mathewson resumed the Chair.

Senator Schneider offered **SPA 1** to **SSA** for **SA 7**, which was read:

SENATE PERFECTING AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 7

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 7 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, by adding the following:

"Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 22, Section 392.200, Line 2 of said page, by striking the period "." on said line and inserting in lieu thereof the following: ";

(d) The public service commission may waive the requirements of subdivision (2) of subsection 4 of this section when it finds that such waiver is in the public interest and consistent with the policies and purposes of chapter 392, RSMo, as set out in section 392.185, RSMo."

Senator Schneider moved that the above perfecting amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Melton, Russell, Singleton and Wiggins.

SPA 1 to **SSA 1** for **SA 7** failed of adoption by the following vote:

Yeas--Senators

Caskey	Howard	Lybyer	Melton
Rohrbach	Russell	Schneider	Singleton
Staples	Wiggins--10		

Nays--Senators

Banks	Bentley	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Mueller	Quick	Sims	Treppler

Westfall--21

Absent--Senators

Curls Moseley--2

Absent with leave--Senator Scott--1

SSA 1 for SA 7 was again taken up.

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

Senator Schneider offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 53, Section 392.455, Line 22, by adding after the word "exchange" the following: "**unless the public service commission finds that a different service area is in the public interest and is consistent with the purposes and policies of chapter 392, RSMo, as set out in section 392.185, RSMo**".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Lybyer, Melton, Westfall and Wiggins.

SA 8 failed of adoption by the following vote:

Yeas--Senators

Caskey	Lybyer	Melton	Rohrbach
Russell	Schneider	Wiggins--7	

Nays--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Mueller	Quick	Sims
Singleton	Staples	Treppler	Westfall--24

Absent--Senators

Howard Moseley--2

Absent with leave--Senator Scott--1

Senator Singleton offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 53, Section 392.451, Line 1 of said page, by adding immediately after said line, the following:

"3. The state of Missouri hereby adopts and incorporates in total the provisions of Section 251(f)(1) of the federal Telecommunications Act of 1996 providing exemption for certain rural telephone companies."

Senator Singleton moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Seantor House offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 507, Page 17, Section 386.020, Line 6 by inserting immediately after said line the following:

"386.200. 1. Every commissioner, the public counsel and every person employed or appointed to office, either by the commission or by the public counsel, is hereby forbidden and prohibited to solicit, suggest, request or recommend, directly or indirectly, to any public utility, corporation or person subject to the supervision of the commission, or to any officer, attorney, agent or employee thereof, the appointment of any person to any office, place, position or employment. And every such public utility, corporation and person, and every officer, attorney, agent and employee thereof, is hereby forbidden and prohibited to offer to any commissioner, the public counsel, or to any person employed by the commission or by the public counsel, any office, place, appointment or position, or to offer or give to any commissioner, to the public counsel, or to any person employed or appointed to office by the commission or by the public counsel, any free pass or transportation or any reduction in fare to which the public generally are not entitled or free carriage for property or any present, gift, entertainment, [or] gratuity [of any kind] **or any other expenditure, as defined in section 105.470, RSMo.**

2. [If any commissioner, the public counsel, or any person employed or appointed to office by the commission or the public counsel, shall violate any provision of this section he shall be removed from the office held by him. Every commissioner, the public counsel, and every person employed or appointed to office by the commission, or by the public counsel, shall be and be deemed to be a public officer.] **The Missouri ethics commission shall receive complaints alleging any violation of subsection 1 of this section, pursuant to section 105.957, RSMo. The Missouri ethics commission shall investigate the complaint and take such other action as provided by section 105.961, RSMo. Upon a final determination that a violation of subsection 1 of this section has occurred, the violator shall be terminated from employment subject to the appeals process provided for such employment by law and shall not be eligible for further employment by the state of Missouri thereafter. A final determination by the Missouri ethics commission that a violation of subsection 1 of this section has occurred shall constitute cause for removal from office for cause of any commissioner. The governor shall remove such commissioner from office for such cause.**

3. If any public utility violates any provision of this section, it shall be liable to the state of Missouri in a civil action in any court of competent jurisdiction for the assessment of a civil penalty not to exceed twenty thousand dollars. The penalty provided in this subsection shall be in addition to any other penalty provided for violation of the provisions of this chapter. The attorney general shall bring the action authorized in this subsection. The action may be brought in any county where the defendant public utility's principal place of business is located or where the violation occurred, or where the public utility's registered agent is located. The penalty assessed under the provisions of this subsection shall be paid into the state treasury to the credit of general revenue.

4. Any officer, agent or employee of any public utility who violates any provision of this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

5. Every commissioner, the public counsel and every person employed or appointed to office, either by the commission or the public counsel is hereby forbidden, for a period of two years following the termination of his

office or employment by the commission or by the public counsel, to accept any appointment to any office, place, position or employment by any person, corporation or other entity subject to the supervision or regulation of the commission.

6. Any person guilty of knowingly violating subsection 5 of this section shall be punished as follows:

(1) For the first offense, such person is guilty of a class B misdemeanor;

(2) For the second and subsequent offenses, such person is guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion failed.

President Wilson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Goode moved that **SS** for **SCS** for **SB 507**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 507**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 757**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1419**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following reports:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1093**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1093, Page 1, Section 321.610, Line 8, by inserting immediately after "The board" the following: "**in any county of the first classification having a population in excess of nine hundred thousand may fix an additional rate not to exceed twenty-five cents on the hundred dollars valuation and the board in all other first classification counties**"; and further amend line 9, by striking the opening bracket "[" and closing bracket "]"; and further amend said line by striking the words "twenty-five".

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1460**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1460, Pages 3, Section 190.335, Lines 66-69, by striking all of said lines; and

Further amend said bill, pages 5-6, section 190.342, lines 1-52, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1504**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1300**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1221**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1002**, as amended: Representatives Lumpe, Lakin, Franklin, Childers and Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1003**, as amended: Representatives Lumpe, Lakin, Franklin, Childers and Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1004**: Representatives Lumpe, Lakin, Green, Wannenmacher and Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1005**, as amended: Representatives Lumpe, Lakin, Green, Wannenmacher and Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1006**, as amended: Representatives Lumpe, Lakin, Tate, Cooper and Graham.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1007**: Representatives Lumpe, Lakin, Tate, Cooper and McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1008**: Representatives Lumpe, Lakin, Franklin, Childers and Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1009**, as amended: Representatives Lumpe, Lakin, Troupe, Kelley and Murray (135).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1010**, as amended: Representatives Lumpe, Lakin, Carter, Donovan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1011**: Representatives Lumpe, Lakin, Troupe, Kelley and Murray (135).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1012**: Representatives Lumpe, Lakin, Green, Kauffman and Legan.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1171, regarding Joann Morgan, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 1172, regarding Bill Harris, Caruthersville, which was adopted.

Senator Mueller offered Senate Resolution No. 1173, regarding Mr. Bruce E. Druckenmiller, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Patricia Pike, Scott Maid, and members of PRIDE from Harrisonville High School, Harrisonville; and Nicholas Klinge, Rachel Rubsam, Kara Donohoe, Karah Rempe, Deanna Phillips, Monique Van Meter, Brooke Tarwater, Jason Foster, Christina Morgan, Amanda Miller, Amber Rubsam, Michelle Newell, Melissa Franklin, Nicole Osland, Sariah Moody, Jamie Britz, Sadie Grabill, Ashley Urkevich, Megan Allbaugh, Sarah Rockey, Adam Howerton, Heath Kennedy, Carey Mills, Kirstan Hedrick, Scott Maid, Ryan Maid, Josh Duncan, Jeremy Larsen and Melody Moreland were made honorary pages.

Senator Bentley introduced to the Senate, sixty-five girls participating in "Take Your Daughter to Work" Day.

Senator Westfall introduced to the Senate, Ron Flowers, Thera Hodges, Kim Renfro and Bob Bartelsmeyer, Aurora.

Senator Sims introduced to the Senate, Lynette Maxwell, Sheila Grigsby and four members of Girls, Inc., St. Louis; and Rachel Lewis, Abeni Wilson-Williams, Maranda Walker and Claudia Ceaser were made honorary pages.

Senator Moseley introduced to the Senate, eight students from Douglas High School, Columbia.

Senator Moseley introduced to the Senate, twenty-four students from Harrisburg R-VIII School, Harrisburg.

Senator Treppler introduced to the Senate, her daughter-in-law, Jane Treppler, and grandchildren, Stephanie, Lauren and Christopher Treppler, St. Louis County; and Katie Mallette, St. Louis County; and the children were made honorary pages.

On behalf of Senator Maxwell, the President introduced to the Senate, Miss Missouri, Erin Phillips, Mexico.

Senator Caskey introduced to the Senate, Jody Stewart and fifth grade students from Martin Warren School, Warrensburg.

Senator Caskey introduced to the Senate, Sarah Schwartz, Sharon Fenley, Denna Angle, Ann Ludlam, and thirty-five students from Warrensburg Middle School, Warrensburg; and Chad Bowland, Lindsey Redman, Timothy Williams, Eric Kientzy, Nicole Rennewanz, Robbie Frazelle, Jessica Bowler, Daniel Pulliam, Joshua Hoffman, Amy Younce, Crystal Sigmund, Jessica Gilpin, Ryan Moore, Rod Clawson, Kristal Rinella, Matt Wilson, Jennifer Koehne, Melissa Miles, Kassie Jones, Adam Montgomery, Lindsey Clayton, Dianne Cantrell, Mary Warner, Ben Madeo, Anthony Arton, Amber Wooldridge, Brett Mayeux, Travis Ray, Lindsey Redman and Daniel Williams were made honorary pages.

Senator Russell introduced to the Senate, Craig Curry and Bill Lewis, Lebanon; and Bill Monday, Buffalo.

Senator Klarich introduced to the Senate, Nancy Cober, Wayne Dothage, Heath Reed, Josh Dawson, Jeff Moorman, Steve Delmain, Jared Bays, Adam Hackenwerth and Justin Schnaath, Washington.

On behalf of Senator Kinder and himself, Senator Howard introduced to the Senate, Lynnette Jenkins, Malden; and Jim Storck, Cape Girardeau.

Senator Clay introduced to the Senate, his daughter, Carol, St. Louis; and Carol was made an honorary page.

Senator Caskey introduced to the Senate, Stacey and Rita Deere, and Loretta Hutchinson, Belton.

Senator Mueller introduced to the Senate, Bob and Margie Hartmann, Kirkwood.

Senator Kenney introduced to the Senate, parents, teachers and students from Chapel Lake Elementary School, Blue Springs.

Senator Maxwell introduced to the Senate, the Physician of the Day, Phillip Brackett, and his mother, Helen Brackett, Memphis.

Senator Rohrbach introduced to the Senate, Susan Herman, Cheryl Surface, Heather Hines, Carmen Kempker, Sarah Henley, Allison Bishop, Linda Buchanan, Erin Oswald and Kari Pearson, Eldon.

Senator Staples introduced to the Senate, Deniese Thompson and students from East Carter County School, Carter County.

Senator Westfall introduced to the Senate, Jody Pyle, Dawn Berten, and eighth grade students from Halfway School, Halfway; and Josh Ashlock and Luke Stephens were made honorary pages.

Senator Sims introduced to the Senate, five fourth and fifth grade students from Kingdom Christian Academy, St. Louis; and Kristina Linden, Andrew Rhea, Matthew Brown, Jared Simmons and Ashley Jeralds were made honorary

pages.

Senator Wiggins introduced to the Senate, Ms. Sharrie Grant and students from Ervin Junior High School, Kansas City; and LaToya Coleman, Christopher Hughes and Amie Grant were made honorary pages.

Senator Treppler introduced to the Senate, Sharon Hensel, and Cub Scouts and Webelos from Beasley School, St. Louis; and Dan Schroeder, Tony Snelson, Andrew Kremer, Matt Wlodarczyk and Sean Owens were made honorary pages.

Senator Schneider introduced to the Senate, Maureen McLaughlin and fifth grade students from Glasgow Elementary School, St. Louis County; and Andrew Goldstein, Susan Kenny and Rob Ponder were made honorary pages.

Senator Staples introduced to the Senate, Kathryn Brummel, Farmington.

Senator Caskey introduced to the Senate, his brother-in-law and family, Glen, Jerred, Glenna and Debbi Head, Wentzville.

Senator Singleton introduced to the Senate, Debbie Dunseih, Mrs. Van Fleet and second grade students from Duenweg Elementary School, Duenweg; and Heather Renae Shellenberger, Kristiney Campbell, Rebecca Sease and Kirstie Nicole Van Fleet were made honorary pages.

Senator Bentley introduced to the Senate, Beth Nickle and students from Bailey Alternative School, Springfield.

Senator Schneider introduced to the Senate, April Clark, Florissant.

Senator Staples introduced to the Senate, Glen B. Williams, Eminence.

Senator Graves introduced to the Senate, Mrs. Powell, Nan Stepp and fourth grade students from Tarkio.

Senator Caskey introduced to the Senate, Gene Irvin and Jack Wagner, Adrian; and Randy Riley, Kirksville.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FOURTH DAY--THURSDAY, APRIL 11, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, in the New Testament it says, "Be ye doers of the word and not hearers only." We pray for the faith and courage to practice what we preach, to stand by the promises we make, to live by what we believe. We are thankful for Your guidance and help in all things. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

Kinder	Moseley	Scott--3
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The Lieutenant Governor was present.

Senators Wiggins, DePasco, Caskey, Curls and Quick offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1174

WHEREAS, the Members of the Missouri Senate have been deeply saddened to learn of the death of Reverend Truman E. Dollar, formerly of Kansas City and Raytown; and

WHEREAS, Reverend Dollar was a long time distinguished clergyman in the Kansas City area before moving to become the Pastor of Temple Baptist Church, Detroit, Michigan, and Calvary Church of Grand Rapids, Michigan; and

WHEREAS, Reverend Dollar was for many years Pastor of the Kansas City Baptist Temple, and was one of the most famous and renowned Pastors in Missouri; and

WHEREAS, Reverend Dollar as part of his ministry, conducted radio talk shows for a time, and had a widely acclaimed one hour television program; and

WHEREAS, Reverend Dollar was a spellbinding orator of epic and memorable proportions and had brought his ringing dynamic oratory on more than one occasion to the dais of the Missouri Senate; and

WHEREAS, Reverend Dollar was famed for his "Friends Day" at Kansas City Baptist Temple to which public officials of all political and religious faiths flocked to worship together and with him and to be introduced from his pulpit to over 3000 people at the Sunday worship service; and

WHEREAS, Reverend Dollar was a wonderful gracious man who loved people who in turn loved him and was truly a friend of every person in Missouri Government; and

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of Reverend Truman E. Dollar, internationally known Baptist Pastor, Preacher, and Clergyman, express their appreciation for his lifetime of good citizenship, and his friendship to the Missouri Senate and extend to his wife Mrs. Donna Dollar, his sons and daughters, and his uncountable friends and admirers most sincere sympathy on his death;

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Donna Dollar, his sons, Tim and Devin Dollar, his daughters, Kelly Hughes and Sonya Dollar and his mother, Mrs. Bernice Dollar.

Senator Wiggins assumed the Chair.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 757** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Dorothy B. McGuffin, LPC, NCC, as a member of the Missouri State Committee for Professional Counselors;

Also,

Teri Loney, as a member of the State Committee of Marital and Family Therapists;

Also,

Patricia Ann Flood, as a member of the Missouri Ethics Commission;

Also,

Michael F. Shanahan, Jr., as a member of the St. Louis Regional Convention and Sports Complex Authority;

Also,

Roger L. Pryor, as a member of the St. Charles County Convention and Sports Complex Authority;

Also,

William L. Treece, as a member of the Missouri Training and Employment Council.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 26**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Bentley moved that the vote by which **SS** for **SCS** for **SBs 638** and **753** failed on 3rd reading and final passage be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Graves
House	Howard	Johnson	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Russell
Sims	Treppler	Westfall	Wiggins--24

Nays--Senators

Ehlmann	Flotron	Kenney	Rohrbach
Schneider	Staples--6		

Absent--Senator Singleton--1

Absent with leave--Senators

Kinder	Moseley	Scott--3
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SS for **SCS** for **SBs 638** and **753** failed to receive a constitutional majority by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Graves	House

Johnson	Klarich	Mathewson	Maxwell
McKenna	Mueller	Russell	Sims
Treppler--17			

Nays--Senators

DePasco	Flotron	Howard	Kenney
Lybyer	Melton	Quick	Rohrbach
Schneider	Singleton	Staples	Westfall
Wiggins--13			

Absent--Senator Goode--1

Absent with leave--Senators

Kinder	Moseley	Scott--3
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SENATE BILLS FOR PERFECTION

Senator McKenna moved that **SB 597** and **SB 729**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs Nos. 597** and **729**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 597 and 729

An Act to amend chapters 376 and 379, RSMo, relating to the reorganization of certain mutual insurance companies by adding thereto thirteen new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **SCS** for **SBs 597** and **729** be adopted.

Senator McKenna offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 5, Section 379.982.2, Line 28, by striking the word "life" in said line.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 1, Section 376.1305, Line 1, by inserting immediately after "376.1305" the following: "1."; and further on page 2, line 15 of said section by inserting immediately after said line the following:

"2. No mutual life insurance company may reorganize pursuant to sections 376.1300 to 376.1322 unless a majority of the total individual policyholders of the company approve the reorganization. Any policyholder is entitled to receive, at their own expense, a list of the names and addresses of all policyholders."; and

Further amend said bill, page 5, section 379.982, line 14, by inserting immediately after said line the following:

"2. No mutual insurance company may reorganize pursuant to sections 379.980 to 379.988 unless a majority of the total individual policyholders of the company approve the reorganization. Any policyholder is entitled to receive, at their own expense, a list of the names and addresses of all policyholders."; and further on line 15, by striking "2." and inserting in lieu thereof the number "3".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 2, Section 376.1305, Lines 10, 11 and 12, by striking the word "shall" on line 10, the word "unless" on line 11 and the word "not" on line 12 and inserting in lieu thereof the word **"may"** on line 10 and the word **"if"** on line 11.

Senator Caskey moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Quick assumed the Chair.

President Wilson assumed the Chair.

Senator Quick resumed the Chair.

Senator Schneider offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 2, Section 376.1305, Line 11, by striking the word "unless" and substitute "if" and amend line 12, by striking "not".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Goode, Russell and Singleton.

SA 4 was adopted by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Mueller	Quick

Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

Graves	Kenney	Kinder	Moseley
Scott--5			

Senator Caskey raised the point of order that **SCS** for **SBs 597** and **729** is out of order in that the committee substitute goes beyond the scope and purpose of the original bills.

The point of order was referred to the President Pro Tem.

Senator Mueller raised the point of order that the point of order raised by Senator Caskey was out of order in that it was not timely.

The point of order was referred to the President Pro Tem who ruled it not well taken.

President Pro Tem Mathewson took the point of order raised by Senator Caskey under advisement, which placed the bill on the Informal Calendar.

Senator Schneider moved that **SB 869**, with **SCS**, **SA 1**, **SSA 2** for **SA 1** and the point of order (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SSA 2** for **SA 1** was withdrawn, rendering the point of order moot.

At the request of Senator Schneider, **SA 1** was withdrawn.

Senator Schneider offered **SS** for **SCS** for **SB 869**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 869

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 210.160, 210.842, 302.020, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 479.260, 479.261, 482.345, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.040, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 512.050, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 531.010, 531.020, 531.050, 531.060, 550.260, 550.300, 561.035, 590.140 and 595.045, RSMo 1994, and sections 302.137, 478.401 and 487.170, RSMo Supp. 1995, relating to the assessment, collection, disbursement and expenditure of moneys in judicial proceedings, and to enact in lieu thereof seventy-six new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Senator Schneider moved that **SS** for **SCS** for **SB 869** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 113, Section 5, Line 17 of said page, by inserting immediately after said line, the following:

"Section 6. Venue for any civil action involving the board of police commissioners, established pursuant to section 84.020, RSMo, shall be appropriate in the twenty-second judicial circuit."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 48, Section 478.401, Line 14, by inserting immediately after said line, the following:

"479.040. 1. Any city, town or village with a population of less than four hundred thousand may elect to have the violations of its municipal ordinances heard and determined by an associate circuit judge of the [county] **circuit** in which the city, town or village, or the major geographical portion thereof, is located; provided, however, if such election is made, all violations of that municipality's ordinances shall be heard and determined before an associate circuit judge or judges. If a municipality has elected to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the municipality may thereafter elect to provide for a municipal judge or judges to hear such cases; provided, however, if such later election is made, all violations of that municipality's ordinances shall be heard and determined before a municipal judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to hear and determine a case or class of cases when otherwise authorized by provisions of the constitution, law, or court rule. Nothing in this section shall preclude an election made [under] **pursuant to** the provisions of subsection 4 of this section.

2. If, after January 1, 1980, a municipality elects to have the violations of its municipal ordinances heard and determined by an associate circuit judge, the associate circuit judge or judges shall commence hearing and determining such violations six months after the municipality notifies the presiding judge of the circuit of its election. With the consent of the presiding judge, the associate circuit judge or judges may commence hearing such violations at an earlier date.

3. Associate circuit judges of the [county] **circuit** in which the municipality, or major geographical portion thereof, is located shall hear and determine violations of municipal ordinances of any municipality with a population of under four hundred thousand for which a municipal judge is not provided.

4. Any city, town or village with a population of less than four hundred thousand located in a county which has created a county municipal court [under] **pursuant to** the provisions of section 66.010, RSMo, may elect to enter into a contract with the county to have violations of municipal ordinances prosecuted, heard, and determined in the county municipal court. If a contract is entered into [under] **pursuant to** the provisions of this subsection, all violations of that municipality's ordinances shall be heard and determined in the county municipal court. The contract may provide for a transition period after an election is made [under] **pursuant to** the provisions of this subsection."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Clay assumed the Chair.

Senator Ehlmann offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 47, Section 476.053, Line 13, by inserting immediately after said line, the following:

"476.450. 1. Any person having reached the age of sixty-five years and having in this state served an aggregate of twelve years, continuously or otherwise, as a judge or commissioner of the supreme court, or as a judge or commissioner of any of the courts of appeals, or as a circuit judge, or as a judge of a court of criminal correction, or as a judge of a court of common pleas, or either or both as judge or commissioner of any of said courts, **or as a commissioner of the family court division of a circuit court or as a commissioner of the juvenile court division of a circuit court**, and who shall have ceased to hold such office by reason of the expiration of his term, or voluntary resignation or retirement by reason of having reached the age of seventy-five years, under section 25, article V, of the Constitution of Missouri, shall, if he so elects as hereinafter provided, be made, constituted and appointed a special commissioner or referee for and during the remainder of his life and shall, while he remains a resident of Missouri, be entitled to and shall receive as annual compensation, salary or retirement compensation during the remainder of his life a sum equal in amount to one-half the salary or compensation provided for by law on January 1, 1989, for the office from which he has retired, except as follows:

(1) For the period from August 13, 1986, until January 1, 1988, the annual compensation, salary or retirement compensation shall equal forty percent of the salary or compensation provided by law on August 13, 1986, for the office from which he has retired;

(2) For the period January 1, 1988, through December 31, 1988, the annual compensation, salary or retirement compensation shall equal forty-five percent of the salary or compensation provided by law on January 1, 1988, for the office from which he has retired.

2. A judge of the supreme court who ceased or ceases to hold office by reason of the expiration of his term, voluntary resignation, or retirement from the supreme court and who is sixty-five years of age or older and has served an aggregate of at least eight years or who is sixty years of age or older and has served an aggregate of at least twelve years, continuously or otherwise, as a judge of the supreme court may elect, before June 30, 1988, to be made, constituted and appointed a special commissioner or referee and shall receive as annual compensation, in lieu of the compensation provided by subsection 1 of this section, one-half of the salary or compensation provided by law at the time of such election under this subsection for the office from which he has retired. Said sum shall be payable monthly out of the general revenue of the state of Missouri.

476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a period of at least two years immediately preceding the judge's death or if there is no surviving spouse eligible to receive benefits under sections 476.515 to 476.570, the term "beneficiary" shall mean any unemancipated minor child of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring under the provisions of sections 476.515 to 476.570 or payable to a beneficiary as provided in sections 476.515 to 476.570; all benefits paid under sections 476.515 to 476.570 in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for the judge's services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of the supreme court or of the court

of appeals; or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state; as a justice of the peace; or as commissioner of the probate division of the circuit court appointed after February 29, 1972, in a first class county having a charter form of government or in a city not within a county; or as commissioner of the juvenile division of the circuit court appointed pursuant to section 211.023, RSMo, **or as a commissioner of the family court division of the circuit court appointed pursuant to section 487.020, RSMo;**

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

2. A surviving spouse whose benefits were terminated because of remarriage prior to October 1, 1984, shall, upon written application to the board within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of October 1, 1984.

476.681. 1. Any retired judge **or retired commissioner of the family court division of a circuit court or retired commissioner of the juvenile court division of a circuit court** receiving retirement benefits under any of the applicable provisions of this chapter, who is willing to serve as a senior judge, may make application for such service with the clerk of the supreme court on forms provided by the clerk. The application shall contain information relating to the prior legal and judicial experience of the applicant, the applicant's physical and mental health, and the times of the applicant's availability. The clerk may request physical or mental examinations of any applicant and may request that the applicant furnish or authorize the furnishing of any relevant medical or other health records. An application shall be submitted to the supreme court for approval or disapproval and shall be valid for a period of one year from the date of approval.

2. Upon written request of the chief judge of any district of the court of appeals or the presiding judge of any circuit, the supreme court may appoint a senior judge from the file of approved applications maintained by the clerk of the supreme court. Appointments to serve shall be based on caseload and need, as determined by the supreme court in its discretion, taking into consideration reports filed pursuant to section 476.412, recommendations made by the judicial resources commission created herein and such other matters that the court deems relevant. The appointment may be made for a specific case or cases or for a specified period of time not to exceed one year. The appointment may be extended for additional periods of time not to exceed one year each if the appointed senior judge maintains an annual updated and approved application for appointment. Persons serving as a senior judge pursuant to the provisions of this section shall receive compensation as provided in section 476.682.

476.682. 1. Any person assigned as a senior judge pursuant to section 26 of article V of the Missouri Constitution shall receive for each day of service an amount that when added to the daily amount of annual compensation, salary or retirement compensation payable pursuant to sections 476.450 to 476.595, equals one hundred percent of the current annual salary of the office from which the judge **or commissioner** retired attributable to one day of service. For purposes of this subsection, one year shall equal two hundred thirty-five days.

2. A senior judge assigned pursuant to section 26 of article V of the Missouri Constitution for service outside the county where he resides shall be reimbursed for his travel and other actual and necessary expenses incurred in the performance of his services.

3. On or before the tenth day of each month a senior judge shall certify to the state courts administrator the period during the previous month during which he was assigned services and, if such services were completed, the date thereof and at the same time shall certify his expenses incurred and allowable under this section. The state courts administrator shall then issue a warrant to the state treasurer for the payment of the salary and expenses to the extent and within limitations provided for in this section. The state treasurer upon receipt of such warrant shall pay the same out of any appropriations made for this purpose on the last day of the month during which the warrant was received by him.

4. On or before the twentieth day of each month the state courts administrator shall certify the period of service reported by each senior judge pursuant to subsection 3 of this section to the Missouri state employees' retirement system. Any senior judge accumulating two hundred thirty-five days of such service shall receive credit for one year of judicial service for purposes of sections 476.520 and 476.545, for each two hundred thirty-five days of service certified by the state courts administrator to the Missouri state employees' retirement system, except, if a pro rata portion of two

hundred thirty-five days would cause the senior judge's total judicial service to equal twelve years, the Missouri state employees' retirement system shall credit the service at the time the pro rata portion is certified. Upon receipt of such certification, the retirement benefit of the senior judge shall be recalculated to reflect the attainment of twelve years; the adjusted benefit will become effective the first of the month following certification.

5. Notwithstanding the provisions of section 476.510 or 476.565, no person shall receive benefits pursuant to the provisions of this section if the person is engaged in the private practice of law or doing a law business.

6. The judicial conference of the state of Missouri shall annually report on the use of senior judges pursuant to this section. Such report shall include at least the number of senior judges assigned, the number of cases assigned and disposed of by senior judges, and the expenditures made for that purpose."; and

Further amend the title and the enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 25, Section 210.842, Line 24, by inserting immediately after said line the following:

"211.342. 1. In addition to all court fees and costs prescribed by law, a fee of ten dollars may be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit for violations of the general criminal laws of the state, including infractions, or violations of county or municipal ordinances, except that no such fee shall be collected for nonmoving traffic violations, violations of fish and game regulations or in any proceeding when the proceeding or defendant has been dismissed by the court. For violations of the general criminal laws of the state or county ordinances, no such fee shall be collected unless it is authorized by the county government where the violation occurred. For violations of municipal ordinances, no such fee shall be collected unless it is authorized by the municipal government where the violation occurred. Such fees shall be collected by the official of each respective court responsible for collecting court costs and fines and shall be transmitted monthly to the treasurer of the county where the violation occurred.

2. The counties of the thirtieth judicial circuit shall use all fees received under this section to fund a juvenile detention facility if such facility is recommended by the circuit judge of such circuit as provided in section 211.341. The county commissions of the counties within the thirtieth judicial circuit may, by order pursuant to sections 70.210 to 70.320, RSMo, contract to pay the costs of such facility. Such costs include, but are not limited to, the costs of construction and maintenance of the facility as well as the costs of providing for the subsistence and education of the children placed in such facility."; and

Further amend said bill, page 114, section B, line 1, by inserting immediately after said line, the following:

"Section C. The provisions of section 211.342 shall terminate on January 1, 2005."; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 1, In the Title, Lines 16-17, by striking the words "assessment, collection, disbursement and expenditure of moneys in judicial proceedings" and

inserting in lieu thereof the word "judiciary"; and

Further amend said bill, page 47, section 476.053, line 13, by inserting immediately after said line the following:

"476.515. 1. As used in sections 476.515 to 476.565, unless the context clearly indicates otherwise, the following terms mean:

(1) "Beneficiary", a surviving spouse married to the deceased judge continuously for a period of at least [two years] **one year** immediately preceding the judge's death or if there is no surviving spouse eligible to receive benefits under sections 476.515 to 476.570, the term "beneficiary" shall mean any unemancipated minor child of the deceased judge, who shall share in the benefits on an equal basis with all other beneficiaries;

(2) "Benefit", a series of equal monthly payments payable during the life of a judge retiring under the provisions of sections 476.515 to 476.570 or payable to a beneficiary as provided in sections 476.515 to 476.570; all benefits paid under sections 476.515 to 476.570 in excess of any contributions made to the system by a judge shall be considered to be a part of the compensation provided a judge for the judge's services;

(3) "Commissioner of administration", the commissioner of administration of the state of Missouri;

(4) "Judge", any person who has served or is serving as a judge or commissioner of the supreme court or of the court of appeals; or as a judge of any circuit court, probate court, magistrate court, court of common pleas or court of criminal corrections of this state; as a justice of the peace; or as commissioner of the probate division of the circuit court appointed after February 29, 1972, in a first class county having a charter form of government or in a city not within a county; or as commissioner of the juvenile division of the circuit court appointed pursuant to section 211.023, RSMo;

(5) "Salary", the total compensation paid for personal services as a judge by the state or any of its political subdivisions.

2. A surviving spouse whose benefits were terminated because of remarriage prior to October 1, 1984, shall, upon written application to the board within six months after October 1, 1984, have the surviving spouse's rights as a beneficiary restored. Benefits shall resume as of October 1, 1984.

3. A surviving spouse who, on or after January 1, 1996, and before August 28, 1996, meets the qualifications of a beneficiary as defined in subdivision (1) of subsection 1 of this section shall be eligible to receive benefits as a beneficiary beginning August 28, 1996."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 1, In the Title, Line 6, by inserting immediately after "476.053," the following: "479.020,"; and further on lines 16-17, by striking all of said lines and inserting in lieu thereof the following: "judiciary, and to enact in lieu thereof seventy-eight"; and

Further amend said page, section A, line 5, by inserting immediately after "476.053," the following: "479.020," and further on page 2, line 6, by striking the word "seventy-six" and inserting in lieu thereof the word "seventy-eight"; and further on line 11, by inserting immediately after 478.401," the following: "479.020,"; and

Further amend said bill, page 48, section 478.401, line 13, by inserting immediately after said line, the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure

and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless he be licensed to practice law in this state unless, prior to January 2, 1979, he has served as municipal judge of that same municipality for at least three years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which he serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit. Notwithstanding the foregoing provisions of this subsection, in any city with a population of over four hundred thousand with full-time municipal judges who are subject to a plan of merit selection and retention, such municipal judges and court personnel of the municipal divisions shall not be subject to court management and case docketing in the municipal divisions by the presiding judge or the rules of the circuit court of which the municipal divisions are a part.

6. No municipal judge shall hold any other office in the municipality which he serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after he has reached his [seventieth] **seventy-fifth** birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after his selection as municipal judge, his office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 91, Section 514.440, Line 18, by inserting after the word "of" on said line the following: "not to exceed".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Melton offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 52, Section 482.345, Lines 10-25, by striking all of said section from said bill; and further amend the title and enacting clause of said bill accordingly.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 4, Section 56.765, Line 30 by inserting immediately before said line, the following:

"50.640. 1. Except as otherwise provided in this section, all offices, departments, courts, institutions, commissions or other agencies spending moneys of the county shall perform the duties and observe the restrictions set forth in sections 50.540 to 50.630 relating to budget procedure and appropriations. The estimates of the circuit court, including all activities thereof and of the circuit clerk, shall be transmitted to the budget officer by the circuit clerk. The estimates of the circuit clerk shall bear the approval of the circuit court, **however, such approval shall not be required for a city not within a county with a population of at least three hundred thousand**. The budget officer or the county commission shall not change the estimates of the circuit court or of the circuit clerk without the consent of the circuit court or the circuit clerk, respectively, but shall appropriate in the appropriation order the amounts estimated as originally submitted or as changed, with their consent.

2. If the county governing body deems the estimates of the circuit court to be unreasonable, the governing body may file a petition for review with the judicial finance commission on a form provided by the judicial finance commission after the estimates are included in the county budget. An amount equal to the difference between the estimates of the circuit court and the amounts deemed appropriate by the governing body shall be placed in a separate escrow account, and shall not be appropriated and expended until a final determination is made by the judicial finance commission under this subsection. The form provided by the judicial finance commission shall include an opportunity for the governing body and the circuit court to state their positions in a summary fashion. If a petition for review is filed, the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by it and included in the budget is reasonable. In determining if the circuit court estimate is reasonable, the judicial finance commission shall consider the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing the proposed expenditures. In determining the reasonableness of any budget estimate involving compensation, the judicial finance commission shall also consider compensation for county employees with similar duties, length of service and educational qualifications. The judicial finance commission shall immediately order a settlement conference to determine if the matter can be resolved before ordering briefs and oral argument. The judicial finance commission, to the maximum extent practicable, shall resolve the dispute prior to the beginning of the fiscal year in question. The county governing body may file and prosecute a petition for review without representation by counsel."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion failed.

Senator Caskey offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Pages 108-112, Section 1, by deleting said section; and further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SS** for **SCS** for **SB 869**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SCS** for **SB 869**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1249**, entitled:

An Act to repeal section 86.260, RSMo 1994, and sections 86.253, 86.256, 86.280, 86.283 and 86.287, RSMo Supp. 1995, relating to certain police retirement systems, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1372**, entitled:

An Act to repeal sections 447.543, 660.100, 660.105, 660.122, 660.135, RSMo 1994, and section 660.130, RSMo Supp. 1995, relating to the funding of the Missouri utilicare and related energy assistance programs, and to enact in lieu thereof six new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 852**, entitled:

An Act to repeal sections 105.456, 105.470, 105.483, 105.498 and 386.200, RSMo 1994, relating to lobby reform and public officials, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1174** and **1309**, entitled:

An Act to repeal sections 301.344, 304.001, 304.150, 304.155, 304.157 and 304.575, RSMo 1994, and sections 301.010 and 306.906, RSMo Supp. 1995, relating to the towing of motor vehicles, and to enact in lieu thereof eight new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 42**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 7 of article IX of the Constitution of Missouri, relating to education and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 49**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 37(e) of article III of the Constitution of Missouri, relating to water control bonds and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HJR 58**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, relating to certain funds in the state treasury and adopting two new sections in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1582**, entitled:

An Act to repeal section 143.782, RSMo 1994, relating to the overpayment of income tax, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HB 1551**, entitled:

An Act to repeal sections 302.060 and 302.530, RSMo 1994, and section 302.312, RSMo Supp. 1995, relating to drivers' licenses, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1175, regarding the One Hundredth Anniversary of St. John's Regional Medical Center, Joplin, which was adopted.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 1361--Judiciary.

HB 908--Transportation.

HCS for **HBs 1159, 842** and **799**--Ways and Means.

HB 876--Transportation.

HB 1506--Conservation, Parks and Tourism.

HCS for **HB 999**--Corrections and General Laws.

HB 1113--Education.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1004**:
Representatives: Lumpe, Lakin, Green, Vogel, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1005**, as amended: Representatives: Lumpe, Lakin, Green, Vogel, Wooten.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy M. Jordan, 731 East High Street, Apartment B, Jefferson City, Cole County, Missouri 65101, as the Small Business Ombudsman, for a term ending concurrent with that of the governor; vice, RSMo 643.175.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sharlene Pietsch, 700 Lariat Lane, Rolla, Phelps County, Missouri 65401, as a member of the Well Installation Board, for a term ending February 24, 1998, and until her successor is duly appointed and qualified; vice, RSMo 256.605.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karl A. Grice, 4332 Lindell Boulevard, St. Louis City, Missouri 63108, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors, for a term ending August 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Homer W. Miller, 2100 East 34th Place, Joplin, Newton County, Missouri 64804, as a member of the Board of Examiners for Hearing Instrument Specialists, for a term ending April 11, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 69.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank D. Beller, Democrat, Route 1 Box 124, Linn, Osage County, Missouri 65051, as a member of the Air Conservation Commission of The State of Missouri, for a term ending October 13, 1996, and until his successor is duly appointed and qualified; vice, Johnny Ray Conklin, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 11, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert F. Lawrence, Route 3, Steele, Pemiscot County, Missouri 63877, as a member of the Well Installation Board, for a term ending February 24, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, James LaSalle, D.O., Excelsior Springs.

Senator Caskey introduced to the Senate, D.D. Hodges and Jennifer Holm, Raymore; and D.D. and Jennifer were made honorary pages.

Senator Caskey introduced to the Senate, Phil Brillhart, Raymore.

Senator Mathewson introduced to the Senate, Terry Hulette and eighth grade students from Salisbury R-IV School, Salisbury; and Jonny Cruse, Erin Fehling, Katie Dorson and Michael Nance were made honorary pages.

On behalf of Senators House, Schneider and himself, Senator Mueller introduced to the Senate, forty-five fifth grade students from Oak Hill School, St. Louis; and Andrea Gulley and Toni Schlappizzi were made honorary pages.

Senator Bentley introduced to the Senate, Mrs. Shae Johnson and forty-four fourth grade students from Greenwood Laboratory School, Springfield.

On behalf of Senator Kinder, Senator Kenney introduced to the Senate, Tom Mueller and thirty-six fourth grade students from Washington School, Cape Girardeau; and Michael Pridemore, Tara Ford, Whitney Sibley and Maryam Fouad were made honorary pages.

Senator Treppler introduced to the Senate, Karen Papin and eighty-four fourth grade students from Crestwood School, Crestwood; and Tiffany Moore, Bradley Birk, Michael Wolfslau and Maia Bowman were made honorary pages.

Senator Schneider introduced to the Senate, students from Highland Elementary; and Stacy Young, Michael O'Malley, Heidi Woelbling and Kara Hamilton were made honorary pages.

On motion of President Pro Tem Mathewson, the Senate adjourned until 3:00 p.m., Monday, April 15, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-FIFTH DAY--MONDAY, APRIL 15, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jesus said, "My yoke is easy and my burden is light." There are so many things hard to do, so many burdens difficult to carry, so many decisions hard for us to make. We are thankful that with Divine help we can accomplish great things. We pray for that help. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 11, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Curls	Scott--2
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RESOLUTIONS

Senator House offered Senate Resolution No. 1176, regarding the Harvest Ridge Outdoor Education Classroom, St. Charles, which was adopted.

Senator Johnson offered Senate Resolution No. 1177, regarding Donald L. Woods, which was adopted.

Senator Kenney offered Senate Resolution No. 1178, regarding the "Lee's Summit Journal", which was adopted.

Senator Kenney offered Senate Resolution No. 1179, regarding Larry Jansen, which was adopted.

Senator Kenney offered Senate Resolution No. 1180, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Percy Decker, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1181, regarding Kelley S. Schneider, Blue Springs, which was adopted.

Senator McKenna offered Senate Resolution No. 1182, regarding Kurt Thomas Koch, Arnold, which was adopted.

Senator Wiggins offered Senate Resolution No. 1183, regarding the death of Mrs. Rose Bellinger, Kansas City, which was adopted.

Senators Goode, Clay and Banks offered Senate Resolution No. 1184, regarding Kinloch History Week, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Staples, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HB 937**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 937, Page 1, Section 226.550, Line 7, by inserting immediately after the word "organizations" as that word first appears on said line, the following: ", **service organizations, veteran organizations**"; and

Further amend said section, page 2, line 39, by inserting immediately after the words "religious organizations", the following: ", **service organizations, veteran organizations**".

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 809**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 809, Page 1, In the Title, Line 2, by striking "licensing of certain emergency personnel" and inserting in lieu thereof the following: "ambulance operators"; and further on line 3 of the title, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 1, section 190.145, line 2, by striking the opening and closing brackets "[]" around the word "he" and by striking the boldfaced words on said line; and further on line 3, by inserting at the end of said line, the following: "**The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.**"; and further on lines 5 and 6, by striking the opening and closing brackets "[]" around the word "he" and by striking the boldfaced words on said lines; and further on page 2, line 20, by striking the opening and closing brackets "[]" around the word "he"; and further by striking the words "the person" on said line; and further on said line by inserting immediately after the word "valid" the following: "**motor vehicle**"; and further on said line by striking the words "or chauffeur's" and further on line 21, by striking the opening bracket "["; and further on said line by striking the closing bracket "]" and inserting in lieu thereof the following: "**or another state**"; and

Further amend said section, page 2, line 29, by inserting immediately after said line, the following:

"Section B. Because of the need to retain ambulance drivers currently operating in Missouri, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.".

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1223**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1223, Page 1, Section 144.069, Line 6-7 by striking the words ", notwithstanding any other provision of law, administrative rule or regulation".

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Bill No. 1223, Page 1, Section 144.069, Line 5 by inserting after "consummated" the following:

"unless the vehicle, trailer, boat or motor has been registered and sales taxes have been paid prior to the consummation of the lease agreement".

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1441**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1315**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **HB 1369**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 941**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Curls, Chairman of the Committee on Interstate Cooperation, Senator Schneider submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **HB 819**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Curls, Chairman of the Committee on Insurance and Housing, Senator Schneider submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 1217**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1466**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 956**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 956, Page 1, In the Title, Line 3 by striking the word "one" and inserting in lieu thereof the word "two"; and further amend said bill, page 1, section A, line 1, by striking the words "one new section" and inserting in lieu thereof the following: "two new sections"; and further on line 2, by striking "section 89.090" and inserting in lieu thereof "sections 89.090 and 1"; and

Further amend said bill, page 2, section 89.090, line 22, by inserting immediately after said line, the following:

"Section 1. 1. The boundary commission of any county of the first classification with a charter form of government and a population greater than nine thousand may grant any petition for annexation submitted by a single property owner whose continuous tract of property lies in two adjacent municipalities so long as the following conditions are met:

(1) All of the property that is the subject of the annexation petition is owned by the petitioner;

(2) The petitioner's residence is located on the portion of property that is within the incorporated limits of the annexing municipality.

2. Such petition shall be handled pursuant to the simplified boundary change as provided in subdivision (4) of subsection 1 of section 72.400, RSMo, and shall not require a public vote."

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1469**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1598**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1533**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1379**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **HB 1610**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following reports:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1477**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1295**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1076**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HB 1604**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1604, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following: "Authorizing the governor to convey state property."; and

Further amend said bill, page 1, section 1, line 10, by inserting immediately after said line, the following:

"Section 2. 1. The governor is hereby authorized and empowered to give, grant and convey to and for the use of N.W. Electric Power Cooperative, Inc., a Missouri corporation, an easement for the purposes of construction, operating and maintaining an electric power substation located on a tract of land in the Southeast Quarter of Section 11, Township 57 North, Range 30 West, DeKalb County, Missouri, being more particularly described as follows:

Commencing at an iron pin found at the Southeast corner of Section 11, Township 57 North, Range 30 West, DeKalb County, Missouri; thence South 89°12'01" West, 465.92 feet along the South line of Section 11 to a found 60d nail; thence North 00°47'59" West, 30.00 feet to an iron pin found on the north right of way line of a road and true point of beginning; thence south 89°12'01" West along said right of way 200.00 feet to an iron pin set at the Southwest corner of the tract; thence North 00°47'59" West, 200.00 feet to an iron pin set at the Northwest

corner of the tract; thence North 89°12'01" East, 200.00 to an iron pin set at the Northeast corner of the tract; thence South 00°47'59" East, 200.00 feet to the point of beginning, containing 0.92 acres more or less. Subject to all easements, reservations or restrictions of record.

2. The attorney general shall approve the form of the instrument of conveyance."

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HB 1131**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 1131, Page 2, Section 1, Line 24, by inserting immediately after said line the following:

"4. The attorney general shall enforce the rights contained in this section for members of the civil air patrol."

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS for SCS for SB 507** and **SS for SCS for SB 869**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem Mathewson referred **SS for SCS for SB 507** to the Committee on State Budget Control.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SS for SB 687**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended;
2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 687;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 687, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Sheila Lumpe

/s/ David Klarich /s/ Rita Days

/s/ Mike Lybyer Tim Green

/s/ Betty Sims /s/ Pat Secrest
/s/ John Schneider /s/ Emmy McClelland

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	DePasco	Ehlmann
Flotron	Goode	Howard	Johnson
Kenney	Klarich	Lybyer	Melton
Moseley	Quick	Rohrbach	Sims
Singleton	Treppler	Wiggins--19	

Nays--Senators

Caskey	Clay	Graves	House
Kinder	Maxwell	McKenna	Mueller
Russell	Schneider	Westfall--11	

Absent--Senators

Mathewson	Staples--2
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Absent with leave--Senators

Curls	Scott--2
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Senator Staples assumed the Chair.

Senator McKenna assumed the Chair.

On motion of Senator Goode, **CCS** for **HCS** for **SS** for **SB 687**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact in lieu thereof eleven new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	DePasco	Ehlmann
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Flotron	Goode	Howard	Kenney
Klarich	Lybyer	Mathewson	Melton
Moseley	Quick	Rohrbach	Sims
Singleton	Treppler	Westfall	Wiggins--20

Nays--Senators

Caskey	Clay	Graves	House
Kinder	Maxwell	McKenna	Mueller
Russell	Schneider--10		

Absent--Senators

Johnson	Staples--2
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Absent with leave--Senators

Curls	Scott--2
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The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Klarich	Lybyer
Mathewson	McKenna	Melton	Moseley
Quick	Rohrbach	Sims	Singleton
Treppler	Westfall	Wiggins--23	

Nays--Senators

Caskey	Clay	House	Kinder
Maxwell	Mueller	Russell	Schneider--8

Absent--Senator Staples--1

Absent with leave--Senators

Curls	Scott--2
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On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1185

WHEREAS, Chief Justice John Marshall wrote in 1819, "The power to tax involves the power to destroy."; and

WHEREAS, the state of Missouri has 2,646 taxing authorities and these taxing authorities have 4,777 tax rates; and

WHEREAS, while the taxing power may not destroy, the sheer numbers of authorities and rates may cause complications and confusion; and

WHEREAS, with taxes and taxing powers uppermost in the minds of citizens the time to resolve this complex situation may have come; and

NOW, THEREFORE BE IT RESOLVED by the members of the Missouri Senate of the Eighty-eighth General Assembly that there hereby be created a bipartisan "Commission on Taxing Authorities and Rates," which shall be composed of three members of the majority party and two members of the minority party to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be directed to study the taxing powers of the state, the taxing authorities within the state and to study ways in which to maintain the ability of the state to efficiently provide an adequate level of services while structuring a taxing system which lessens the burden on the citizens of this state and which does not collect revenues in excess of any constitutional limitations; and

BE IT FURTHER RESOLVED that the Commission on Taxing Authorities and Rates be authorized to hold hearings within the state, as it deems advisable, with members of the committee to receive reimbursement only for their actual and necessary expenses incurred in the course of their committee service, from the appropriation of the contingent fund of the Senate; and

BE IT FURTHER RESOLVED that the members of the Senate Research staff and the Senate Appropriations staff be utilized to provide necessary clerical, research, legal and fiscal services for the Commission, with travel expenses for the staff members to be paid from appropriation made for their staffs; and

BE IT FURTHER RESOLVED that the Commission present a final report on its activities and recommendations to the Senate in January, 1997.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 538**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 538**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 538

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact nine new sections relating to the same subject, with a contingent effective date.

Was taken up.

Senator Maxwell moved that **SCS** for **SB 538** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 538, Page 6, Section 393.715, Line 60, by inserting immediately after the period "." on said line, the following: **"A commission or subsidiary thereof must first obtain a municipality's permission to sell, dispense or distribute water, gas, heat, power, energy, sewer or other utility service to any wholesale or retail entity which provides such service to any state agency, state department or state facility located within the geographic boundaries of such municipality."**; and further on line 61, by inserting immediately after the word "commission" the following: **"or subsidiary thereof"**; and further on line 62, by inserting immediately after the word "retail" the following: **"or wholesale"**.

Senator House moved that the above amendment be adopted, which motion failed.

Senator Wiggins assumed the Chair.

Senator Ehlmann offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 538, Page 1, In the Title, Line 5, by inserting immediately after the word "date", the following: ", for certain sections"; and

Further amend said bill, page 1, section A, line 5, by inserting immediately after said section, the following:

"250.190. Any such city, town or village or sewer district operating a sewerage system or a combined waterworks and sewerage system under this chapter shall have power to supply water services or sewerage services or both such services to premises situated outside its corporate boundaries and for that purpose to extend and improve its sewerage system or its combined waterworks and sewerage system. Rates charged for sewerage services or water services to premises outside the corporate boundaries may exceed those charged for such services to premises within the corporate limits only upon approval of such rate by the public service commission."; and

Further amend said bill, page 13, section B, line 1, by inserting immediately after "B." the following: "Sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770 of"; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 538, Page 13, Section 393.770, Line 38, by inserting immediately after said line, the following:

"Section 1. The publicly owned treat-ment works shall be responsible for the entire sewer system, except that the operation and maintenance of any part of a pressure sewer system, including grinder pumps used for the purpose of collecting or conducting domestic wastewater originating at a residence located on a lot with service connections to the sewer system operated by such a publicly owned treatment works, shall be the responsibility of the owner of such lot or lots."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Maxwell moved that **SCS** for **SB 538**, as amended, be adopted, which motion prevailed.

On motion of Senator Maxwell, **SCS** for **SB 538**, as amended, was declared perfected and ordered printed.

Senator Moseley moved that **SB 884** and **SB 841**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 884** and **841**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 884 and 841

An Act to repeal sections 630.110, 630.115, 630.125, 630.140, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.192, 630.200, 631.110, 631.115, 631.120, 631.135, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994, and section 630.005, RSMo Supp. 1995, relating to mental health and to enact in lieu thereof forty-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Moseley moved that **SCS** for **SBs 884** and **841** be adopted.

Senator Clay offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 18, Section 630.192, Line 9, by striking "Without a specific court order," from said line; and further on line 10, by striking "consent to" from said line; and further on lines 10-11, by striking "biomedical or pharmacological" from said lines; and further amend lines 11-19, by striking all of line 11 after "research." and by striking all of lines 12-19; and

Further amend said bill, page 19, section 630.199, lines 1-3, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator Moseley offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT 1

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 19, Section 630.192, Lines 17-19, by striking all of said lines and inserting in lieu thereof the following: "**court**".

Senator Moseley moved that the above substitute amendment be adopted.

At the request of Senator Moseley, **SB 884** and **SB 841**, with **SCS**, **SA 1** and **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Slestakov Vladimir, Natasha Belik, Nina Bets, Edward Bogoslovsky, Tury Dedkov, Natasha Iliyina, Mikhail Ivanov, Inne Kornienkovs, Mikhail Mitin, Alexandre Petrov, Ella Orekhova, Oleg Selyanin, Victor Semenov, Paule Shornik, Elene Shouvalous, Elba Tsepelgora, Irina Venianinous, Oxane Volgins, Olga Vorobieva, Irina Votnova, Irine Zavolokins, Russia.

Senator Mueller introduced to the Senate, Betty Siebert, Kirkwood.

Senator Treppler introduced to the Senate, Joan Wiese and one hundred fourth grade students from Trautwein Elementary School, St. Louis; and Stephanie Dambach, Adam Rose, Adam Pyke, Jamie Meyer, Julie Whitson and Drew Spreitler were made honorary pages.

Senator Bentley introduced to the Senate, David Schultz, Springfield.

On behalf of Senator Ehlmann and himself, Senator House introduced to the Senate, former State Representative Joe Ortwerth, and his wife, Wendy, St. Charles County.

Senator Lybyer introduced to the Senate, John Foster and David Impey, Houston; and Terry Kell, Raymondville.

Senator Caskey introduced to the Senate, Gene Molendorp, Peculiar.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY--TUESDAY, APRIL 16, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the Bible teaches it. Little children in church often repeat it. We pray that You will help all of us to practice it. Help us to use in all of our dealing with one another his remarkable little verse from the Bible, "Be ye kind one to another." Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Absent with leave--Senator Curls--1

The Lieutenant Governor was present.

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 884** and **SB 841**, with **SCS, SA 1** and **SSA 1** for **SA 1** (pending), be called from the

Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for SA 1 was again taken up.

Senator Moseley moved that the above substitute amendment be adopted, which motion prevailed.

Senator Sims offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate - Bills Nos. 884 and 841, Page 26, Section 632.005, Line 45, by striking the opening bracket "[" and closing bracket "]" around the word "physical"; and further amend line 51, by striking the word "serious" and inserting in lieu thereof the word **"physical"**.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate - Bills Nos. 884 and 841, Page 45, Section 633.160, by inserting immediately after said section, the following:

"208.309. 1. Sections 208.309 to 208.315 shall be known as the "Elders Volunteer for Elders Project (EVE) Act." Subject to appropriations, the department of social services, division of aging, shall review applications and award grants to at least three community provider organizations for the provisions of services which shall establish a three-year demonstration project designed to prevent the premature or unnecessary institutionalization of Missouri's low income elderly citizens in specifically defined neighborhoods located in a city not within a county, a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county and in region 2 of the Missouri area agencies on aging.

2. As used in sections 208.309 to 208.315, the following terms mean:

(1) "Community Provider Organizations", any:

(a) Charitable organization as defined in section 407.453, RSMo;

(b) Not for profit corporation established pursuant to chapter 355, RSMo; or

(c) An organization that has obtained an exemption from the payment of federal income taxes as provided in section 501(c)(3), 501(c)(7) or 501(c)(8) of Title 26, United States Code, as amended.

(2) "Division", division of aging of the department of social services;

(3) "Elderly Low Income Person", a Missouri citizen who is sixty years of age or older and whose income is at or below one hundred and fifty percent of the federal poverty level;

(4) "Project", a demonstration project directed at Missouri's low income elderly who are at risk of involuntary and unnecessary institutionalization;

(5) "Recipient", any elderly low income person who is in need of assistance with at least one of the activities of daily life or assistance with instrumental activities of daily living. The highest priority will be given to those at risk of incapacity adjudication.

208.311. The purpose of the EVE projects shall be:

(1) To help low income elderly, adjudicated or not, who live within a project's geographical location to obtain access to services to retain their independence and postpone consignment to nursing homes and to improve their quality of life;

(2) To advocate for low income elderly during an incapacity adjudication hearing;

(3) To help those low income elderly who become institutionalized and who can be restored sufficiently to return home, to do so; and

(4) To train and support mostly senior volunteers and to add volunteer work opportunities for healthy senior citizens.

208.313. 1. The division shall review applications and make grant awards to three community provider organizations who meet the criteria and requirements set forth in subsection 2 of this section. One of the community provider organizations shall be located in a city not within a county and the second shall be located in a city with a population of more than three hundred fifty thousand inhabitants which is located in more than one county and the third shall be located in region 2 of the Missouri area agencies on aging.

2. In order to be considered for selection as a demonstration project site a community provider organization shall file an application with the division and present the following information:

(1) A proposed program, including the approximate number of elderly citizens that the project is designed to reach in a specifically defined neighborhood;

(2) A proposed budget;

(3) A proposed program to recruit, train and retain volunteers as case managers and advocates for the low-income elderly of the defined neighborhood;

(4) A proposed client eligibility and screening process; and

(5) A proposed format to file an annual external audit and annual comprehensive evaluation of the services provided to the low income elderly to the division of aging for consideration of potential statewide implementation.

208.315. The division of aging may continue or expand such programs within appropriations."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 33, Section 632.335, Line 32, by striking "To request a" and substituting in lieu "A"; and inserting on said line after the word "jury" the following: "if requested by the patient or his attorney".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 9, Section 630.125, Line 16, by adding

after said line the following:

"4. The facility shall provide prompt notification of the next-of-kin of the person being admitted within 8 hours of the time admission."

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 41, Section 632.393, Lines 1-5, by removing all of said section from the bill; and

Further by amending the title and enacting clause accordingly.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Moseley offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 37, Section 632.355, Line 33 of said section, by inserting immediately after said line the following:

"632.360. At the end of any detention period ordered by the court under this chapter, the respondent shall be discharged unless a petition for further detention is filed and heard in the same manner as provided herein. Successive one-year detention periods, **or successive one hundred and eighty day outpatient detention periods**, are permissible on the same grounds and pursuant to the same procedures as the initial [one-year] detention period. No order of civil detention under this chapter may exceed one year **for an inpatient detention period or one hundred and eighty days for an outpatient detention period.**"; and

Further amend said bill, Page 42, Section 632.440, Lines 2 and 3 of said section, by inserting immediately before the word "program" on said lines the following: "**mental health**"; and

Further amend said bill, Pages 42-43, Section 632.440, Lines 6 and 7 of said section, by deleting the bold language on said lines and inserting in lieu thereof the word "**no**"; and

Further amend said bill, Page 43, Section 632.440, Line 11 of said section, by inserting before the comma ",", on said line the following:

"or acting pursuant to the request of a guardian who is acting pursuant to Chapter 475, RSMo, or upon the request of the head of any supervisory mental health program who is acting pursuant to section 632.337"; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Moseley, **SB 884** and **SB 841**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

BILL REFERRALS

President Pro Tem Mathewson referred **SS** for **SCS** for **SB 869** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 538**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, entitled:

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof twelve new sections for the purpose of requiring that abortions be performed or induced safely and establishing alternative to abortion services, with penalty provisions and an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Wiggins, Chairman of the Committee on State Budget Control, Senator Melton submitted the following report:

Mr. President: Your Committee on State Budget Control, who which were referred **SS** for **SCS** for **SB 507** and **SB 757**, begs leave to report that it has considered the same and recommends that the bills do pass.

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 884** and **SB 481**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 884** and **841**, as amended, was again taken up.

Senator Quick resumed the Chair.

Senator Schneider offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 25, Section 632.005, Lines 30 and 36, by striking the brackets around "physical" appearing in lines 30 and 36.

Senator Schneider moved that the above amendment be adopted and requested a roll vote be taken. He was joined in his request by Senators Kenney, Kinder, Russell and Wiggins.

SA 8 was adopted by the following vote:

Yeas--Senators

Caskey	Clay	DePasco	Ehlmann
Flotron	Goode	House	Kenney
Kinder	Klarich	McKenna	Melton
Rohrbach	Russell	Schneider	Singleton
Staples	Wiggins--18		

Nays--Senators

Banks	Bentley	Howard	Johnson
Lybyer	Maxwell	Moseley	Mueller
Quick	Sims	Treppler	Westfall--12

Absent--Senators

Graves	Mathewson--2
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Absent with leave--Senators

Curls	Scott--2
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Senator Klarich offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 28, following line 27, by adding one new section:

"Section 632.301. When a mental health coordinator receives information pursuant to Section 632.300, the person considered for involuntary commitment shall be evaluated according to the likelihood of serious physical harm to himself or others. Where such person has been previously clinically diagnosed with a serious mental illness, such involuntary commitment may occur if there is reasonable cause to believe that such person is mentally disordered and, as a result, presents likelihood of harm to himself or others."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, page 21, Section 631.135, Line 42, by deleting the words: "or does not speak English."; and further amend said line, by adding the following: ";

(12) He has the right to have an interpreter, at his own expense, assist him to communicate at the facility or during the hearing, or both, if he does not speak English."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 25, Section 632.005, Line 29, by inserting immediately after the word "following" the words: "**but does not require actual physical injury to have occurred**".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley moved that **SCS** for **SBs 884** and **841**, as amended, be adopted, which motion prevailed.

On motion of Senator Moseley, **SCS** for **SBs 884** and **841**, as amended, was declared perfected and ordered printed.

Senator House moved that **SB 723** and **SB 891**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs Nos. 723** and **891**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 723 and 891

An Act to repeal section 67.475, RSMo 1994, sections 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1995, relating to political subdivisions, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator House moved that **SCS** for **SBs 723** and **891** be adopted.

Senator House offered **SS** for **SCS** for **SBs 723** and **891**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 723 AND 891

An Act to repeal section 67.475, RSMo 1994, sections 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1995, relating to political subdivisions, and to enact in lieu thereof nine new sections relating to the same subject.

Senator House moved that **SS** for **SCS** for **SBs 723** and **891** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 10, Section

67.475, Line 23, by inserting immediately after said line, the following:

"77.140. The council may establish, alter and change the channel of watercourses, and wall them and cover them over, and prevent obstructions thereon, and may establish, make and regulate public wells, cisterns and reservoirs of water, and provide for filling the same. The council may purchase grounds and erect and establish market houses and marketplaces, and regulate and govern the same; and also contract with any person or persons, association or corporation for the erection, maintenance and regulation of market houses and marketplaces, on such terms and conditions and in such manner as the council may prescribe. The council may also provide for the erection, purchase or renting of a city hall, workhouses, houses of correction, prisons, engine houses and any and all other necessary buildings for the city; and may sell, lease, abolish or otherwise dispose of the same, and may enclose, improve, regulate, purchase or sell all public parks or other public grounds belonging to the city, and may purchase and hold grounds for public parks within the city, or within three miles thereof. **The city shall be authorized to issue and negotiate interest bearing revenue bonds on any of the foregoing facilities.**"; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 2, Section 67.455, Line 22, by adding the following at the end of said line: "As used in this chapter, improvements may include new improvements, maintenance to existing improvements or replacement of improvements partially or totally destroyed.".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 10, Section 67.475, Line 23, by inserting immediately after said line the following:

"99.430. 1. Preparation and approval of redevelopment and urban renewal plans shall be carried out within the following regulations:

(1) An authority shall not acquire real property for a land clearance or urban renewal project unless the governing body of the community in which the land clearance project area or urban renewal project area is located has approved the redevelopment or urban renewal plan, as prescribed in subdivision (9) of this section.

(2) An authority shall not prepare a redevelopment or an urban renewal plan for a land clearance or urban renewal project area unless the governing body of the community in which the area is located has declared, by resolution or ordinance, the area to be a blighted, or insanitary area in need of redevelopment or in need of rehabilitation.

(3) An authority shall not recommend a redevelopment or urban renewal plan to the governing body of the community in which the land clearance or urban renewal project area is located until a general plan for the development of the community has been prepared.

(4) The authority itself may prepare or cause to be prepared a redevelopment or urban renewal plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment or urban renewal plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the

proposed land uses and building requirements in the land clearance or urban renewal project area, and shall include without being limited to:

(a) The boundaries of the land clearance or urban renewal project area, with a map showing the existing uses and condition of the real property therein;

(b) A land use plan showing proposed uses of the area;

(c) Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment or urban renewal;

(d) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

(e) A statement as to the kind and number of additional public facilities or utilities which will be required in the area after redevelopment or urban renewal; and

(f) A schedule indicating the estimated length of time needed for completion of each phase of the plan.

(5) Prior to recommending a redevelopment or urban renewal plan to the governing body for approval, an authority shall submit the plan to the planning agency, if any, of the community in which the land clearance or urban renewal project area is located for review and recommendations as to its conformity with the general plan for the development of the community as a whole. The planning agency shall submit its written recommendations with respect to the proposed redevelopment or urban renewal plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning agency, or, if no recommendations are received within the thirty days, then without the recommendations, an authority may recommend the redevelopment or urban renewal plan to the governing body of the community for approval.

(6) Prior to recommending a redevelopment or urban renewal plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the land clearance or urban renewal project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which, in accordance with present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or insanitary areas, or conditions of blight or deterioration, and the provision of adequate, safe and sanitary dwelling accommodations.

(7) The recommendation of a redevelopment or urban renewal plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment or urban renewal plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment or urban renewal of the land clearance or urban renewal project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the project; a statement of a feasible method proposed for the relocation of families to be displaced from the land clearance or urban renewal project area; and a schedule indicating the estimated length of time needed for completion of each phase of the plan.

(8) The governing body of the community shall hold a public hearing on any redevelopment or urban renewal plan or substantial modification thereof recommended by the authority, after public notice thereof by publication in a newspaper of general circulation in the community once each week for [two] **three** consecutive weeks, the last publication to be at least ten days prior to the date set for hearing. **The governing body shall also post a notice at the main entrance to any commercial building, at the entrance to any residential street, and in other public areas within the area covered by the plan. The notices shall be posted at least 15 days prior to the hearing.** The notice

shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be covered by the plan. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed redevelopment or urban renewal plan.

(9) Following the hearing, the governing body may approve a redevelopment or urban renewal plan if it finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole. A redevelopment or urban renewal plan which has not been approved by the governing body when recommended by the authority may be recommended again to it with any modifications deemed advisable.

(10) A redevelopment or urban renewal plan may be modified at any time by the authority, provided that, if modified after the lease or sale of real property in the land clearance or urban renewal project area, the modification must be consented to by the redeveloper of the real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment or urban renewal plan as previously approved by the governing body, the modification must similarly be approved by the governing body.

2. As an alternative to the procedures prescribed in subdivisions (2) and (5) of subsection 1, an authority may find an area to be a blighted, insanitary or undeveloped area in need of redevelopment or rehabilitation, and simultaneously prepare a plan, or adopt a plan presented to the authority, and the authority may simultaneously recommend its finding of a blighted, insanitary or undeveloped area and the approval of a plan to the governing body of the community, and the governing body may make its finding that the area is blighted, insanitary or undeveloped and approve the plan simultaneously. Simultaneously with such recommendation of a finding of a blighted or insanitary or undeveloped industrial area and recommendation of a plan to the governing body for approval, an authority shall submit the finding of a blighted or insanitary or undeveloped area and the plan to the planning agency, if any, of the community in which the project area is located for review and recommendation as to the conformity of the plan to the general plan for the development of the community as a whole. The planning agency shall submit its written recommendations with respect to the finding of a blighted or insanitary or undeveloped industrial area and the plan to the authority and the local governing body within thirty days after receipt of the findings and the plan for review. Upon receipt of the recommendations of the planning agency, or, if no recommendations are received within the thirty days, then without the recommendations, the governing body may simultaneously approve the finding of a blighted or insanitary or undeveloped area and approve the plan in the manner prescribed in subdivisions (8) and (9) of subsection 1."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Melton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 2, Section 67.400, Line 1, on Page 2, by adding: "Farm buildings and structures shall be defined as any building or structures located on a tract of land in an unincorporated area consisting of three acres or more."

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator House moved that **SS** for **SCS** for **SBs 723** and **891**, as amended, was declared perfected and ordered printed.

On motion of Senator House, **SS** for **SCS** for **SBs 723** and **891**, as amended, was declared perfected and ordered printed.

Senator Clay moved that **SB 903**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Clay moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 903, Page 2, Section 431.180, Line 20 by inserting immediately after "agreement" the following: "**or to agreements providing for indemnities between owners and contractors if the indemnity obligation is supported by a further provision in the contract requiring the party obligated to provide the indemnity to secure a policy or policies of insurance to underwrite the liability required to be assumed, or the contract provides a specific payment in consideration for the required indemnity**".

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 903, Page 1, In the Title, Lines 2-4 by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 429.015, RSMo 1994, relating to certain real estate contracts, and to enact in lieu thereof two new sections relating to the same subject."; and

Further amend said bill, page 1, section A, lines 1-2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 429.016, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 429.015 and 431.180, to read as follows:

429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for [his] **such person's** landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or proprietor on which the building or improvements are situated, to the extent of one acre. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering or land surveying[, or if any officer thereof, who owns more than fifty percent of the capital common stock of such corporation, is registered under the laws of this state as an architect, engineer, landscape architect, or land surveyor, and such registration of the corporation shall be effective as of the original date of registration of such principal stockholder].

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or

machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for [his] **such person's** work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or proprietor on which the same are situated, to the extent of one acre, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for [his] **such person's** work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or proprietor on which the same are situated, to the extent of one acre. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or proprietor thereof, or such owner's or proprietor's agent or trustee contracted for such professional services directly with the design professional or corporation asserting the lien;

(2) The owner or proprietor is the owner or proprietor of such real property either at the time the contract is made or at the time the lien is filed; and

(3) The design professional or corporation files with the recorder of deeds in the county where the property is located a notice of intent to lien listing the name and address of the claimant, the name and address of the person with whom the claimant contracted, the amount owed, the address or legal description, if known, of the property, and the last date of services performed by the claimant or the claimant's subconsultants. Such notice shall be filed within three months from the date of the claimant's last work on the property. The recorder of deeds may charge a fee of one dollar for each notice filed and recorded pursuant to this subdivision. The notice described in this subdivision shall not be required if actual construction of improvements begins within three months from the date the claimant completed the claimant's work on the property.

6. If such property is purchased by a bona fide purchaser before a notice of intent to lien is recorded, the purchaser may take the property free of any such lien.

7. Priority between such lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis."

Senator Caskey moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Wiggins offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 903, Page 1, In the Title, Lines 2-3, by deleting the words "construction indemnity agreements" and inserting in lieu thereof the following: "liability claims"; and

Further amend said bill, page 2, section 431.180, line 22, by inserting immediately after said line, the following:

"516.097. 1. Any action to recover damages for **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property, including any action for contribution or indemnity for damages sustained on account of the defect or unsafe condition, shall be commenced within ten years of the date on which [any] such improvement is **substantially** completed.

2. This section shall only apply to actions against any person whose sole connection with the improvement is performing or furnishing, in whole or in part, the design, planning or construction, including architectural, engineering or construction services, of the improvement.

3. If any action is commenced against any person specified by subsection 2 [, any] **of this section**, such person may, within one year of the date of the filing of such [an] action, notwithstanding the provisions of subsection 1 **of this section**, commence an action or a third party action for contribution or indemnity for damages sustained or claimed in any action because of **economic loss**, personal injury, property damage or wrongful death arising out of a defective or unsafe condition of any improvement to real property.

4. This section shall not apply [if]:

(1) If an action is barred by another provision of law;

(2) **If** a person conceals any defect or deficiency in the design, planning or construction, including architectural, engineering or construction services, in an improvement for real property, if the defect or deficiency so concealed directly results in the defective or unsafe condition for which the action is brought;

(3) [The] **To limit any** action [is] brought against any owner or possessor of real estate or improvements [thereon] **on such real estate**.

5. The statute of limitation for buildings completed on August 13, 1976, shall begin to run on August 13, 1976, and shall be for the time specified [herein] **in this section**.

6. For the purposes of this section, the term "substantially completed" means when construction has progressed to the point that the building, facility or structure can be put to the use for which it was intended, even though comparatively minor items remain to be furnished or performed in order to conform to the plans and specifications for the completed building, facility or structure."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Caskey raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem. who ruled it well taken.

Senator McKenna offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 903, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu

thereof the following:

"To repeal section 431.180, RSMo Supp. 1995, relating to certain construction agreements, and to enact two new sections relating to the same"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 431.180, RSMo Supp. 1995, is repealed and two new sections enacted in lieu thereof, to be known as sections 431.175 and 431.180. to read as follows:"; and

Further amend said bill, Page 1, Section 431.180, Line 1, by deleting the section number "**431.180.**" and inserting in lieu thereof "**431.175.**"; and

Further amend said bill, Page 2, Section 431.180, Line 22, by inserting after all of said line the following:

"431.180. 1. All persons who enter into a contract for private construction work after August 28, 1995, shall make all scheduled payments pursuant to the terms of the contract. **For purposes of this section, the term "persons" shall include the owner, a contractor, subcontractor, material supplier, construction manager, architect, professional engineer or land surveyor.**

2. Any person who has not been paid in accordance with subsection 1 of this section may bring an action in a court of competent jurisdiction against a person who has failed to pay. The court may in addition to any other award for damages, award interest at the rate of up to one and one-half percent per month from the date payment was due pursuant to the terms of the contract, and reasonable attorney fees, to the prevailing party. If the parties elect to resolve the dispute by arbitration pursuant to section 435.350, RSMo, the arbitrator may award any remedy that a court is authorized to award hereunder.

3. The provisions of this section shall not apply to contracts for private construction work for the building, improvement, repair or remodeling of owner-occupied residential property of four units or less."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 903, Page 2, Section 431.180, Line 22 by inserting immediately after said line, the following:

"511.350. 1. Judgments and decrees rendered by the supreme court, by any United States district or circuit court held within this state, by any district of the court of appeals, by any circuit court and any probate division of the circuit court, except judgments and decrees rendered by associate, small claims and municipal divisions of the circuit courts, shall be liens on the real estate of the person against whom they are rendered, situate in the county for which or in which the court is held.

2. Judgments and decrees rendered by the associate divisions of the circuit courts shall not be liens on the real estate of the person against whom they are rendered until such judgments or decrees are filed with the clerk of the circuit court pursuant to sections 517.770 and 517.780, RSMo.

3. Judgments and decrees rendered by the small claims and municipal divisions of the circuit court shall not constitute liens against the real estate of the person against whom they are rendered.

4. A judgment or decree rendered by an entity or organization other than the courts referred to in this section shall not constitute liens against the real estate of the person against whom the judgment or decree is rendered, shall not have any legal force or effect, and shall not be filed or recorded by any recorder of deeds or clerk of the

circuit court."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Clay raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator House, **SA 4** was withdrawn, rendering the point of order moot.

On motion of Senator Clay, **SB 903**, as amended, was declared perfected and ordered printed.

Senator Schneider moved that **SB 479** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Schneider offered SS for **SB 479**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 479

An Act to repeal sections 537.600 and 537.610, RSMo 1994, relating to sovereign immunity, and to enact two new sections relating to the same subject.

Senator Schneider moved that **SS** for **SB 479** be adopted.

President Wilson assumed the Chair.

Senator Johnson resumed the Chair.

Senator Rohrbach offered SA 1, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 479, Pages 3 and 4, Section 537.600, Subsection 6, by deleting all of said subsection.

Senator Rohrbach moved that the above amendment be adopted.

At the request of Senator Schneider, **SB 479**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

BILL REFERRALS

President Pro Tem Mathewson referred **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202**, with **SCS**; and **HB 1260** to the Committee on State Budget Control.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 10**.

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the State of Missouri is now a member of the southern region of the Council of State Governments; and

WHEREAS, Missouri is active in the Southern Governors' Association; and

WHEREAS, the Southern Growth Policies Board was formed in 1971 to create strategies for economic development that address the diverse, interrelated factors affecting the economic bade of the South and its neighboring states; and

WHEREAS, thirteen states and the Commonwealth of Puerto Rico are members of the Southern Growth Policies Board; and

WHEREAS, Missouri is one of only three remaining states eligible for membership on the board that have not become members of the board; and

WHEREAS, the state's membership in the Southern Growth Policies Board will afford participation from the executive and legislative branches of government and from the private sector; and

WHEREAS, the Southern Growth Policies Board informs governmental leaders of emerging issues and trends in such areas as workforce development, technology, international trade, capital formation, and enterprise development; and

WHEREAS, the board is presently developing initiatives to promote regional cooperation and increase communication among the various economic development agencies and organizations of its member states; and

WHEREAS, the Southern Growth Policies Board is working with other entities to build a database of regional economic development information; and

WHEREAS, since 1986, the board's Southern Technology Council has striven to strengthen the region's economy through the development and commercialization of technology:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, hereby formally approve the State of Missouri's membership on the Southern Growth Policies Board, and further accept all the obligations, responsibilities and privileges associated with said membership; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Southern Growth Policies Board

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 11**.

HOUSE CONCURRENT RESOLUTION NO 11

WHEREAS, the legalization and regulation of gambling within the several states has long been recognized as a matter within the exclusive province and expertise of the state under the police powers of the individual sovereign state in establishing public policy and specific restrictions and limitations on gaming activities; and

WHEREAS, the Indian Gaming Regulatory Act of 1988 and other federal statutes explicitly provide that the laws, and therefore, the public policy of the several states respecting gambling must be recognized in the federal authorization of and the tribal operation of Class III gaming establishment in Indian country; and

WHEREAS, the Missouri Constitution generally prohibits conducting lotteries and gift enterprises, including casino-styled games of chance, in the State of Missouri; and

WHEREAS, the two narrow exceptions to this general prohibition, to allow creation of the Missouri Lottery and to allow casino-styled games of chance only on riverboats operating on the Missouri River or the Mississippi River, were passed by a vote of the people only after several failed attempts and only upon representations that these gaming operations would be strictly regulated, that revenue from these gaming operations would be earmarked to fund education, and that casino-styled games of chance would be prohibited in any city or county unless first approved by a

separate vote of the people in that city or county; and

WHEREAS, in response to the wishes of the people and concern that gaming operations may be susceptible to corruption and illegal activity and therefore must be closely regulated, the Missouri Legislature and the Missouri Gaming Commission (the "Commission") enacted the strictest statutes and rule in the United States regulating gaming operations; and

WHEREAS, these statutes and rules provide that casino-styled games of chance are allowed only after licensure by the Commission, a process that includes investigating the applicant prior to licensure in order to review the application which must contain a full financial disclosure by each applicant, to determine the identity of all individuals with a financial interest in the proposed gaming operation, and to conduct a criminal background check on all individuals with a financial interest in the proposed gaming operation along with all employees of the proposed gaming operation; and

WHEREAS, once a gaming operation is licensed, it is under the supervision of and subject to investigation by the Commission regarding any alleged violations of games statutes and rules; and

WHEREAS, a member of the Missouri Highway Patrol is present on each gaming boat in Missouri whenever gaming activities are being conducted in order to assure that operations are conducted in accordance with the law, which provides that the sale and service of liquor on gaming boats be strictly regulated, that the purchase and ownership of gaming equipment be regulated and monitored, and that the licensee may be penalized for any environmental damage it causes during its gaming operations; and

WHEREAS, the people of the State of Missouri have demonstrated their continued moral objection to casino-styled games of chance by voting to create only a narrow exception to the Constitutional prohibition on casino-styled games of chance on riverboats based on the belief that these gambling operations would fund education, would be strictly regulated and would not be forced on any city or county without local approval by election; and

WHEREAS, casino-styled games of chance operated by an Indian Tribe on land located in the State of Missouri that is taken into trust by the federal government would constitute land-based gaming operations; and

WHEREAS, casino-styled games of chance operated by an Indian Tribe on land located in Missouri that is taken into trust by the federal government would not be subject to Missouri statutes and rules regulating gaming; and

WHEREAS, no revenue from casino-styled games of chance operated by an Indian Tribe on land located in the State of Missouri and taken into trust by the federal government would go to the state to further state programs such as education; and

WHEREAS, casino-styled games of chance could be operated on land located in the State of Missouri that is taken into trust by the federal government without a local option election to verify that the gaming operation is favored by a majority of the voters in the city or county where the land is located; and

WHEREAS, the federal prohibition against taxing motor fuel sold on tribal land, the removal of large tracts of land from the local tax base and other exceptions from taxation that apply to tribal land could make the taking of land into trust for gaming purposes detrimental to the economic interests of other distributors of motor fuel, state and local government, and local businesses in Missouri

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives of the Second Regular Session of the Eighty-eighth General Assembly, the Senate concurring therein, hereby indicates its opposition to the taking of Missouri land into trust for gaming purposes and the operation of land-based gaming by Indian Tribes in the State of Missouri on any land that may be taken into trust by the federal government where such operations are not subject to the strictest regulation, do not provide a direct financial benefit to the state, and do not recognize the right of local residents to vote regarding the appropriateness of such a gaming operation as expressed by the people of Missouri: and

BE IT FURTHER RESOLVED that the Missouri General Assembly further urges the Missouri Attorney General to use any legal remedies which are available to him and which he believes are proper and prudent in opposing the taking of Missouri land into trust for gaming purposes and the operation of land-based casino-styled games of chance on any land that may be taken into trust by the federal government under the Indian Gaming Regulatory Act of 1988 and other federal statutes that are contrary to the provisions of this resolution

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the conference committee report on **HCS** for **SS** for **SB 687**, as amended, and requests further conference on **HCS** for **SS** for **SB 687**, as amended.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate grant the House further conference on **HCS** for **SS** for SB 687, as amended, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 687**, as amended: Senators Goode, Lybyer, Schneider, Sims and Klarich.

RESOLUTIONS

Senator Treppler offered Senate Resolution No. 1186, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Adrian J. Erlinger, St. Louis County, which was adopted.

COMMUNICATIONS

Senator Klarich submitted the following:

MISSOURI SENATE

Jefferson City

April 16, 1996

Senator James Mathewson

President Pro Tem

Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Mathewson:

In accordance with Rule 45 I object to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos 1069, 794, 807, 936, 1128, 1153 & 1202 being placed upon the Senate Consent Calendar and I hereby request that it be returned to the Senate Committee on Public Health and Welfare for additional consideration in accordance with the rules of the Senate

Respectfully requested,

/s/ David Klarich

David Klarich

State Senator

Also,

Senator Larry Rohrbach

Missouri Senate

April 16, 1996

Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

Dear Terry:

I respectfully request that Senate Committee Substitute for House Committee Substitute for House Bills 904, 788 & 966 be removed from the Consent Calendar I believe this bill is of a controversial nature

Thank you for your attention to this matter.

Sincerely,

/s/ Larry Rohrbach

Larry Rohrbach

Also,

Senator Larry Rohrbach

Missouri Senate

April 16, 1996

Terry Spieler

Secretary of the Senate

State Capitol, Room 325

Jefferson City, MO 65101

I respectfully request that House Bill 1055 be removed from the Consent Calendar I believe this bill is of a controversial nature

Thank you for your attention to this matter.

Sincerely,

/s/ Larry Rohrbach

Larry Rohrbach

INTRODUCTIONS OF GUESTS

Senator Westfall introduced to the Senate, Brenda and Abi Kissinger, Nicole and Ryan Cash, and Catrina Caldwell, home schoolers from Republic; and Abi, Nicole, Catrina and Ryan were made honorary pages.

Senator Singleton introduced to the Senate, Jim, Gail and Theresa Creel, and Michael, Joyce, Stephanie and Christopher Allen, home schoolers from Joplin; and Theresa, Stephanie and Christopher were made honorary pages.

Senator DePasco introduced to the Senate, Thresa, Benjamin, Jessica and Jacob Ray, home schoolers from Independence; and Benjamin, Jessica and Jacob were made honorary pages.

Senator Melton introduced to the Senate, his niece, Concha Matteson, and her son Christopher, Republic; and Christopher was made an honorary page.

On behalf of Senator Flotron and himself, Senator House introduced to the Senate, forty- eight eighth grade students

from St. Monica Catholic School, Creve Coeur; and Gary Fleming and Shannon Strothman were made honorary pages.

Senator Treppler introduced to the Senate, Mr. and Mrs. Paul Steinbart, and their daughter, Elizabeth, home schoolers from St. Louis; and Elizabeth was made an honorary page.

Senator Schneider introduced to the Senate, fifty fifth grade students from Gibson Elementary School, St. Louis; and Missy Tackaberry, Michael Colbert-Brown, Mike Kobel and Sarah Campbell were made honorary pages.

Senator Graves introduced to the Senate, Lane Seymore and family, Fairfax.

Senator McKenna introduced to the Senate, Mike Price and twenty-one eighth grade students from St. Joseph's Catholic School, Kimmswick; and Amanda Grossius, John Lamping, Sergio Lorenzo, Carrie McClain, Beth Price, Christy Noll and Lindsey Moss were made honorary pages.

On behalf of Senator Quick, the President introduced to the Senate, Karl and Erika Miller, and their son, Kilian, St. Gaallen, Switzerland.

Senator Kenney introduced to the Senate, students from Tri-City Christian School, Blue Springs; and Holly Whitehead, Stanley Thresher, Sierra Powell and Chris Williams were made honorary pages.

Senator Kenney introduced to the Senate, Ray McCormick, Puxico; Frank Butcher, Huntsville; John Marschalk, Lake St. Louis; Bob Hagaman, St. Louis; Stella Sollars, South Kansas City; Barbara Cheney, Kansas City; and Bob Baumer, Jennings.

Senator Ehlmann introduced to the Senate, Mike Hazelbaker, Arlene Hogue, Roland Wetzel and Penny and Jim Bennett, St. Charles.

Senator Treppler introduced to the Senate, members of the Pachyderm Organization, Bill Phelps, John Winston and Bob and Anita Yeckel.

Senator Kinder introduced to the Senate, Senator Mike Gunn, Jackson, Mississippi; and Ross Bell, Washington, D.C.

Senator Kenney introduced to the Senate, Lori Schwope, Stacy Casler, Suzy Brooks and Cortney Fanning, Blue Springs; and Suzy and Cortney were made honorary pages.

Senator Melton introduced to the Senate, Linda Hobbs and fifty seventh grade students from Richards R-V School, West Plains.

Senator Bentley introduced to the Senate, Marilee, Kenneth and Will Goble, Springfield.

Senator Rohrbach introduced to the Senate, forty-four members of St. Bernadette Catholic Church, Hermitage.

Senator Moseley introduced to the Senate, Dr. John Despain, Columbia.

Senator Moseley introduced to the Senate, thirty-four fourth grade students from Howard County R-II School, Glasgow; and Larry Fagen, Eric Fehling, Rachel Brown and Emily Kallmeyer were made honorary pages.

Senator Schneider introduced to the Senate, fifth grade students from St. Jerome Elementary School, St. Louis; and Nick Pierce, Shelly Long

and Lauren Robson were made honorary pages.

Senator Russell introduced to the Senate, Kathy, Jesse, Frank and Seth Atwell, home schoolers from Lebanon; and Jesse, Frank and Seth were made honorary pages.

On behalf of Senator House and himself, Senator Flotron introduced to the Senate, Fran Norton, and her daughter,

Teri, Wentzville; and Teri was made an honorary page.

Senator Maxwell introduced to the Senate, Alice Gardner, and her daughter, Elizabeth, home schoolers from Shelbyville; and Elizabeth was made an honorary page.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SEVENTH DAY--WEDNESDAY, APRIL 17, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, about this time of year when we get rushed and tempers can get short, and time gets short, more than ever we need to be reminded of all of the good things we have going for us. We pause to give thanks for our friends, family and the presence of our God in everything that we do. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

Bentley	Curls	Scott--3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1187

WHEREAS, upon occasion the members of the Missouri Senate pause to recognize a young citizen who has demonstrated an exceptional degree of commitment to various aspects of the political process; and

WHEREAS, Scott L. Page of Tipton, Missouri, is leaving his position as Legislative Assistant to State Senator Larry Rohrbach in order to assume his new duties and responsibilities as Executive Assistant for the Missouri Pharmacy Association; and

WHEREAS, Scott Page has distinguished himself through achievement in the office of the Honorable Larry Rohrbach since June, 1993, during which time he has played a prominent role in helping constituents keep track of legislation vitally important to them; and

WHEREAS, during the 1995 legislative session, Scott was instrumental in updating boating safety legislation and in modernizing bicycle traffic regulations; and

WHEREAS, Scott Page has endeared himself to numerous older bus drivers across the Show-Me State through the steadfast devotion he displayed to legislation that eliminates the age limit for school bus drivers; and

WHEREAS, a graduate of State Fair Community College and Central Missouri State University, Scott came to Senator Rohrbach's office with invaluable experience gained as an Intern for State Representative Paul Sombart; and

WHEREAS, Scott has also enjoyed success in the role of Campaign Manager for the Senator from the Sixth District and as Research Assistant in the Government Affairs Division, Missouri Chamber of Commerce; and

WHEREAS, Scott leaves the Senate with the knowledge that Room 434 of the state capitol will never be as neat, as well-organized, or as fresh in fragrance after his departure;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join the Honorable Larry Rohrbach in expressing appreciation to his Legislative Assistant Scott Page for a job splendidly performed and in wishing him only the best in his challenging new position with the Missouri Pharmacy Association; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Scott L. Page.

Senator Lybyer offered Senate Resolution No. 1188, regarding the One Hundredth Birthday of Mrs. Flossie Hudson, Guthrie, which was adopted.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1189

WHEREAS, the Members of the Missouri Senate have been deeply pleased to learn that James B. Nutter, distinguished Kansas City Business and Civic Leader, will be honored on Friday May 3, 1996, by the Kansas City Chapter of UNICO National at its 45th "I am an American Day"; and

WHEREAS, James B. Nutter, a native of Kansas City, attended Bryant Elementary School, Southwest High School, Kansas City Junior College, Kansas City University and the University of Missouri, Columbia from which he was graduated in June, 1949; and

WHEREAS, James B. Nutter in his career in the field of Real Estate became one of Kansas City's most highly respected and prominent mortgage bankers, beginning with Charles F. Curry & Company, later City-Wide Mortgage Company, and from 1951 to present, James B. Nutter & Company, located at 4153 Broadway; and

WHEREAS, Mr. Nutter is a member of numerous civic and professional associations to whom he has lent his considerable talents, far too numerous to mention in one Resolution but including, Children's Mercy Hospital, the Harry S Truman Library Institute, Truman Medical Center Charitable Foundation, the State Historical Society of Missouri, Missouri Arts Council, Missouri Mansion Preservation, Inc., the Native Sons of Kansas City, Greater Kansas City Chamber of Commerce, the University of Missouri - Jefferson Club Life Member, Trustee of the University of Kansas City and Life Membership in the Honorary Directors Association of Rockhurst College; and

WHEREAS, Mr. Nutter is one of Kansas City's most important business executives, a civic and political leader liked and respected by all; and

WHEREAS, Mr. Nutter is a devoted husband and father, in whose heart and love, his wife, Mrs. Annabel Nutter, Children, Nancy Ann Moore, James B. Nutter, Jr., and grandchildren always came first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding service of James B. Nutter as an exemplary business, civic and political leader, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and extend to James B. Nutter on his being honored by UNICO on the 45th Annual "I am an American Day", most sincere congratulations and very best wishes for many long years, continued good health, success and happiness; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. James B. Nutter and UNICO.

Senator DePasco offered Senate Resolution No. 1190, regarding the volunteers at The Groves, Independence, which was adopted.

Senator Flotron offered the following resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE RESOLUTION NO. 1191

WHEREAS, Congress enacted the federal School-to-Work Opportunities Act of 1994 to provide for an improved educational system, including an improved connection between schools and employers and the provision for student experiences in the workplace;

WHEREAS, the School-to-Work Opportunities Act of 1994 authorizes states to apply for federal grants to implement a statewide School-to-Work program; and

WHEREAS, the Department of Elementary and Secondary Education applied for federal support to implement a statewide School-to-Work program in June 1995; and

WHEREAS, the state's grant application was not approved by the U. S. Department of Labor; and

WHEREAS, Governor Mel Carnahan has issued Executive Order 95-11 on May 12, 1995 to implement a state-wide workforce development plan, including a state-wide governance structure for a School-to-Work program, through interagency agreement without legislative authority or direction; and

WHEREAS, a program of this significance represents a policy and program of statewide importance calling for legislative oversight, participation and guidance; and

WHEREAS, proper legislative oversight, participation and guidance can only occur on such a program when there is a thorough study to collect necessary information and make recommendations for legislative action;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, of the Second Regular Session of the Eighty-eighth General Assembly, that there be established a Senate Interim Committee on School-to-Work Program; and

BE IT FURTHER RESOLVED, that the Interim Committee shall collect necessary information, hold necessary hearings, discuss and analyze the information, formulate policy recommendations and make a report to the Missouri Senate of all findings and recommendations prior to the beginning of the First Regular Session of the Eighty-ninth General Assembly.

Senator Howard offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1192

WHEREAS, upon occasion the members of the Missouri Senate pause to honor an individual who has earned the respect of many through tireless commitment as a dedicated public servant; and

WHEREAS, the Honorable Willis Conner, mayor of the City of Dexter, is bringing to completion an illustrious political career that spans the course of forty-eight years; and

WHEREAS, Willis Conner's initial achievements in the area of public service date back to 1948 when he assumed duty as Democratic Committeeman, in which capacity he served for twenty years; and

WHEREAS, Willis Conner went on to distinguish himself as Liberty Township Collector for ten years, Public Administrator for Stoddard County for four years, Dexter Ward I Alderman for three years, and Mayor of the City of Dexter for thirty years; and

WHEREAS, Mayor Conner has been a member of the Missouri Municipal League since 1966, during which time he has contributed significantly to the quality of life through achievement on the Board of Directors and on the Resolutions Committee; and

WHEREAS, Mayor Conner has compiled an impressive list of accolades, a few of which include being commissioned an Honorary Colonel by the governor of the state of Missouri, being invited to the White House by President Jimmy Carter, being appointed to the Missouri Governor's Conference on Education, and receiving recognition from the Missouri Municipal League:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, join unanimously in expressing deep gratitude to Willis Conner for the faithful manner in which he dedicated himself to quality leadership for the people of his community and of the entire state and in wishing him only the best as he looks forward to a well-deserved retirement; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Honorable Willis Conner.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202**, with **SCS**; **HB 1260**; and **SS** for **SCS** for **SB 869**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HBs 904, 788 and 966**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1055**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks announced that photographers from Channel 30 and the Senate had been given permission to take pictures in the Senate Chamber today.

THIRD READING OF SENATE BILLS

SB 757 was placed on the Informal Calendar.

SS for **SCS** for **SB 507**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 507

An Act to repeal sections 170.250, 386.020, 392.180, 392.200, 392.220, 392.410, 392.450, and 392.530, RSMo 1994, relating to the regulation of telecommunications companies, and to enact in lieu thereof seventeen new sections, relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Goode, **SS** for **SCS** for **SB 507** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators

Caskey	Lybyer	Melton	Russell
Schneider--5			

Absent--Senators--None

Absent with leave--Senators

Bentley	Curls	Scott--3
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The President Pro Tem declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Banks	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	Johnson
Kinder	Klarich	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Rohrbach	Sims	Westfall	Wiggins--20

Nays--Senators

Caskey	House	Howard	Kenney
Lybyer	Melton	Russell	Schneider
Singleton--9			

Absent--Senators

Staples	Treppler--2
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Absent with leave--Senators

Bentley

Curls

Scott--3

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 869**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 869

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 210.160, 210.842, 302.020, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 476.450, 476.681, 476.682, 479.020, 479.040, 479.260, 479.261, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.040, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 512.050, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 531.010, 531.020, 531.050, 531.060, 550.260, 550.300, 561.035, 590.140 and 595.045, RSMo 1994, and sections 302.137, 476.515, 478.401 and 487.170, RSMo Supp. 1995, relating to the judiciary, and to enact in lieu thereof seventy-six new sections relating to the same subject, with penalty provisions and an effective date for certain sections.

Was taken up.

Senator Quick assumed the Chair.

Senator Johnson assumed the Chair.

Senator Schneider moved that **SS** for **SCS** for **SB 869** be read the 3rd time and finally passed.

At the request of Senator Schneider, **SS** for **SCS** for **SB 869** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SB 687**, as amended.
Representatives: Lumpe, Days, Green, Secrest, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 693**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 929**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 811**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 694**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 850**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 702**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 830**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 930**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 930, Page 1, In the Title, Line 2, by deleting the word "section" and inserting in lieu thereof the word and number "sections 329.050"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "one new section" and inserting in lieu thereof the words "two new sections"; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 320.050 and 329.265, RSMo Supp. 1995, are repealed and two new sections enacted in lieu thereof, to be known as sections 329.050 and 329.265"; and

Further amend said bill, Section A, Line 3, by inserting after all of said line the following:

"329.050. 1. Applicants for examination or licensure under this chapter shall possess the following qualifications:

(1) They must be persons of good moral character, have an education equivalent to the successful completion of the tenth grade and be at least seventeen years of age;

(2) If the applicants are apprentices, they shall have served and completed, as an apprentice under the supervision of a licensed cosmetologist, the time and studies required by the board which shall be no less than three thousand hours for cosmetologists, and no less than seven hundred **eighty** hours for manicurists. However, when the classified occupation of manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the apprentices shall be required to successfully complete the apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than three hundred [fifty] **ninety** hours for the classification of manicurist. All students shall complete no less than seven hundred fifty hours for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra three hundred [fifty] **ninety** hours otherwise required to include manicuring of nails; and

(4) They shall have passed an examination to the satisfaction of the board.

2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter.

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall be recognized by the board for a period of no more than five years from the date it is received."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 940**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SB 947**, entitled:

An Act relating to the conveyance of certain property in St. Francois and Buchanan Counties.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 766**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 900**, entitled:

An Act to repeal sections 104.090 and 104.460, RSMo 1994, relating to the Missouri state employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 740**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 740, Page 1, Section In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof the following:

"To repeal sections 292.602 and 320.090, RSMo 1994, relating to emergency management, and to enact four new sections relating to the same subject."; and

Further Amend Senate Substitute for Senate Bill No. 740, Page 10, Section 2, Line 232, by inserting immediately after said line the following:

"Section B. Section 320.090, RSMo 1994, is repealed and one new section enacted in lieu thereof the be known as section 320.090, to read as follows:

320.090. 1. Any municipal fire department, fire protection district or volunteer fire protection association, as defined by section 320.300, may enter into contracts providing for mutual aid regarding emergency services provided by such fire department, fire protection district or volunteer fire protection association. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice by either party. The contracts agreed upon may not be entered into for the purpose of reduction of manpower by either party.

2. Any municipal fire department, fire protection district or volunteer fire protection association may provide assistance to any other municipal fire department, fire protection district or volunteer fire protection association in the state, **or any bordering state**, at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident or other such disaster. The chief or highest ranking fire officer may render aid to any requesting fire department, fire protection district or volunteer fire protection association as long as he is acting in

accordance with the policies and procedures set forth by the governing board of that governmental entity or association.

3. When responding on mutual aid or emergency aid requests, the fire department, fire protection district, or volunteer fire association shall be subject to all provisions of law as if it were providing service within its own jurisdiction."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 662**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 530**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 837**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 630**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 870**, entitled:

An Act to authorize the conveyance of certain lands by the department of highways and transportation and the department of natural resources in Shannon County and in Jefferson County, with an emergency clause for one section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 491**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 491, Page 2, Section 578.012, Line 14, by deleting the opening bracket "[" immediately before the number "3"; and

Further amend said bill, Page 2, Section 578.012, Line 15, by deleting the closing bracket "]" immediately after the word "mammal.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 835**, entitled:

An Act to repeal sections 351.120, 351.215 and 351.750, RSMo 1994, and sections 351.200, 351.245, 351.250, 351.265, 351.320, 351.478 and 351.482, RSMo Supp. 1995, relating to corporations, and to enact in lieu thereof eleven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 605**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 605, Page 1, Section 177.086, Line 2, by striking "**fifteen**" and inserting in lieu thereof "**twelve**"; and

Further amend said bill, page 1, section 177.086, line 2, by deleting the opening bracket "[" before the word "five"; and

Further amend said bill, page 1, section 177.086, line 3, by deleting the closing bracket "]" after the word "hundred".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 668**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 668, Page 1, Section 302.225, Line 11, by inserting after the word "**violation**" the following:

"or any violation where no points are to be assessed pursuant to section 302.302".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 846**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 883**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 657**, entitled:

An Act to repeal sections 570.030 and 570.033, RSMo 1994, relating to the crime of stealing, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 758**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 792**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 792, Page 1, Section 301.330, Line 3, by deleting the word "**twenty-four**" and inserting in lieu thereof the word "**thirty-six**"; and

Further amend said bill, Page 1, Section 301.330, Line 7, by deleting the word "or" and inserting in lieu thereof the following: "[or"; and

Further amend said bill, Page 1, Section 301.330, Line 8, by deleting the word "transportation" and inserting in lieu thereof the following: "transportation]".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HCS** for **SCS** for **SB 598**, entitled:

An Act to repeal sections 115.124 and 247.180, RSMo 1994, and section 640.100, RSMo Supp. 1995, relating to public water supply districts, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 670**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 670, Page 1, Section 109.005, Line 4, by striking "contributions or fees" and inserting in lieu thereof the following: "**or contributions**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 728**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 728, Pages 1 and 2, Section 210.861, Lines 8 through 11, by deleting all of said lines and inserting in lieu thereof the following: "reappointed. In a city not within a county, **or in a county of the first classification with a charter form of government and a population of at least two hundred thousand that adjoins a county of the first classification with a charter form of government and a population of at least nine hundred thousand**, the members of the".

In which the concurrence of the Senate is respectfully requested.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Anita J. James, Rural Route 2, Post Office Box 597, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Real Estate Commission, for a term ending February 17, 2001, and until her successor is duly appointed and qualified; vice, James W. Hutcheson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen W. Taylor, 3300 Chapel Hill Road, Columbia, Boone County, Missouri 65203, as a member of the Missouri Training and Employment Council, for a term ending April 17, 2000, and until her successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert D. Boydston, 7818 N. Garfield, Kansas City, Clay County, Missouri 64118, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Karen I. Karns, 1208 Hampton, Platte City, Platte County, Missouri 64079, as a member of the Missouri State Council on Vocational Education, for a term ending April 1, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Daniel K. Behlmann, Republican, 49 Club Grounds North, Florissant, St. Louis County, Missouri 63033, as a member of Southwest Missouri State University Board of Regents, for a term ending April 17, 2002, and until his successor is duly appointed and qualified; vice, RSMo 174.050.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joseph E. Pink, 417 N.W. Tennyson Place, Lee's Summit, Jackson County, Missouri 64081, as a member of the Missouri State Council on Vocational Education, for a term ending April 1, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 17, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marvin R. Beck, 863 College Park, Kirksville, Adair County, Missouri 63501, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

On behalf of Senator Bentley, Senator Banks offered Senate Resolution No. 1193, regarding the Girls Basketball Team of Glendale High School, Springfield, which was adopted.

Senator Westfall offered Senate Resolution No. 1194, regarding Dr. Raymond Glenn Scott, Stockton, which was adopted.

Senator McKenna offered Senate Resolution No. 1195, regarding Major James E. House, II, which was adopted.

On motion of Senator Caskey, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1196, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James P. Harwood, Odessa, which was adopted.

On behalf of Senator Bentley, Senator Banks offered Senate Resolution No. 1197, regarding Myra Houge, which was adopted.

On behalf of Senator Bentley, Senator Banks offered Senate Resolution No. 1198, regarding Paul Mignard, which was adopted.

On behalf of Senator Bentley, Senator Banks offered Senate Resolution No. 1199, regarding Bob Leonard, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SBs 884** and **841**; **SS** for **SCS** for **SBs 723** and **891**; and **SB 903**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1249**--Elections, Pensions and Veterans' Affairs.

HCS for **HB 1372**--Public Health and Welfare.

HS for **HB 852**--Judiciary.

HS for **HCS** for **HBs 1174** and **1309**--Transportation.

HJR 42--Education.

HJR 49--Financial and Governmental Operations.

HJR 58--Appropriations.

HB 1582--Education.

HB 1551--Civil and Criminal Jurisprudence.

BILL REFERRALS

President Pro Tem Mathewson referred **SCS** for **SBs 884** and **841** and **HCS** for **HBs 904, 788** and **966**, with **SCS**, to the Committee on State Budget Control.

REFERRALS

President Pro Tem Mathewson referred **HCR 10** and **HCR 11** to the Committee on Rules, Joint Rules and Resolutions.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to concur in **HCS** for **SB 870** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

At the request of Senator Caskey, the pending point of order on **SCS** for **SBs 597** and **729**, as amended, was withdrawn, placing the bill before the Body.

SCS for **SBs 597** and **729**, as amended, was again taken up.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Ehlmann moved that the vote by which **SA 2** to **SCS** for **SBs 597** and **729** was adopted, be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks

Caskey

Clay

DePasco

Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Graves Staples--2

Absent with leave--Senators

Bentley Curls Scott--3

At the request of Senator Ehlmann, SA 2 was withdrawn.

Senator Ehlmann offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 1, Section 376.1305, Line 1, by inserting immediately after "376.1305" the following: "1."; and further on page 2, line 15 of said section, by inserting immediately after said line the following:

"2. No mutual life insurance company may reorganize pursuant to Sections 376.1300 to 376.1322 unless the reorganization plan is approved by a majority of the policyholders voting in person or by proxy at a special meeting called for that purpose. Any group of at least 100 policyholders having a right to vote at such special meeting shall be entitled at their own expense to have the Secretary of the Company mail informational materials to all policyholders provided that such materials and the cost thereof are presented to the Secretary at least 45 days before the special meeting."; and

Further amend said bill, page 5, section 379.982, line 14, by inserting immediately after said line the following:

"2. No mutual insurance company may reorganize pursuant to sections 379.980 to 379.988 unless the reorganization plan is approved by a majority of the policyholders voting in person or by proxy at a special meeting called for that purpose. Any group of at least 100 policyholders having a right to vote at such special meeting shall be entitled at their own expense to have the Secretary of the Company mail informational materials to all policyholders provided that such materials and the cost thereof are presented to the Secretary at least 45 days before the special meeting."; and further on line 15, by striking "2." and inserting in lieu thereof the number "3."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 4, Section 376.1322, Line 18, by deleting all of lines 18, 19, 20.

Senator Howard moved that the above amendment be adopted.

Senator McKenna offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 4, Section 376.1322, Line 20, by adding after the "." the following: "This section does not apply to those companies organized under Chapters 354 or 355 and does apply only to for profit mutual life insurance companies."; and on page 7, line 17, section 379.988, by adding the following after the ".": "This section does not apply to those companies organized under Chapters 354 or 355 and does apply only to for profit mutual property and casualty insurance companies.".

Senator McKenna moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 2, Section 376.130, Line 1, by inserting after "376.1307" the number "**1**"; and further amend on line 18, by inserting immediately after said line the following:

"2. No assets of the mutual life insurance company existing prior to reorganization under sections 376.1300 to 376.1322 shall be used in connection with the operations or creation of the reorganized life insurance company or stock holding company."; and

Further amend said bill, page 5, section 379.982, line 32, by inserting immediately after said line the following:

"3. No assets of the mutual insurance company existing prior to the reorganization under sections 379.980 to 379.988 may be used in connection with the operations or creation of the reorganized insurance company or stock holding company.".

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Flotron, Howard, McKenna and Melton.

SA 7 failed by the following vote:

Yeas--Senators

Caskey	Clay	House	Howard
Melton	Schneider	Singleton--7	

Nays--Senators

DePasco	Ehlmann	Flotron	Goode
Graves	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Mueller	Quick	Rohrbach
Russell	Sims	Staples	Treppler
Westfall	Wiggins--22		
	Absent--Senators		
Banks	Moseley--2		
	Absent with leave--Senators		
Bentley	Curls	Scott--3	

President Wilson assumed the Chair.

Senator Wiggins resumed the Chair.

Senator Staples resumed the Chair.

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 2, Section 376.1307, Line 3, by striking "a majority" and inserting in lieu thereof "**at least two-thirds**"; and amend same section, same page, by striking on lines 9-10, "a majority" and inserting in lieu thereof "at least two-thirds".

Senator Caskey moved that the above amendment be adopted and requested that a roll call vote be taken. He was joined in his request by Senators Mathewson, House, Russell and Wiggins.

SA 8 failed of adoption by the following vote:

	Yeas--Senators		
Caskey	House	Howard	Lybyer
Mathewson	Maxwell	Melton	Schneider
Singleton--9			
	Nays--Senators		
Banks	DePasco	Ehlmann	Flotron
Goode	Graves	Johnson	Kenney
Klarich	McKenna	Mueller	Rohrbach
Russell	Sims	Staples	Treppler
Westfall	Wiggins--18		
	Absent--Senators		
Clay	Kinder	Moseley	Quick--4

Absent with leave--Senators

Bentley

Curls

Scott--3

Senator McKenna offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 5, Section 379.982, Lines 10 and 11, by striking the word "unless" on line 10 and substitute "if" and amend line 11, by striking "not".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Schneider offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for Senate Bills Nos. 597 and 729, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"374.715. Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, [and] is of good moral character, **and meets the qualifications for surety on bail bonds as provided by supreme court rule.** Each application shall be accompanied by the examination and application fee set by the department. In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant, or, if the applicant is a corporation or partnership, that each officer or partner thereof has completed at least two years as a bail bond agent, as defined in sections 374.700 to 374.775, and that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri, which assignment shall become effective upon the applicant's violating any provision of sections 374.700 to 374.775. The assignment required by this section shall be in the form, and executed in the manner, prescribed by the department.

374.763. 1. If any such final judgment ordering forfeiture of a defendant's bond is not paid within the period of time ordered by the court, the court shall notify the department of the failure to satisfy such judgment. The director shall draw upon the assets of the surety and remit the sum to the court, and obtain a receipt from the court therefor. The director may take action as is provided by sections 374.755 or 374.430, RSMo, regarding the license of the surety and any bail bond agents writing upon his liability.

2. The department shall furnish to the presiding judge of each circuit court of this state, on at least a monthly basis, a list of all duly licensed and qualified bail bond agents and general bail bond agents who are not subject to pending unsatisfied bond forfeiture judgments. In lieu of such list, the department may provide this information to each presiding judge in an electronic format."; and

Further amend the title and enacting clause of said bill accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 10** is out of order in that the amendment goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna moved that **SCS** for **SBs 597** and **729**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **SBs 597** and **729**, as amended, was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 757, introduced by Senator Maxwell, entitled:

An Act to amend chapter 644, RSMo, by adding one new section relating to the authorization of additional state bonds.

Was called from the Informal Calendar and taken up.

On motion of Senator Maxwell, **SB 757** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Clay	House	Moseley--3
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Absent with leave--Senators

Bentley	Curls	Scott--3
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The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Senator Mathewson requested unanimous consent of the Senate that it be in order, for the remainder of the session, to offer perfecting amendments to correct technical or clerical errors in House Substitutes or amendments to Senate Bills, which request was granted.

SCS for **SB 538**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 538

An Act to repeal sections 250.190, 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact eleven new sections relating to the same subject, with a contingent effective date, for certain sections.

Was taken up by Senator Maxwell.

On motion of Senator Maxwell, **SCS** for **SB 538** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator House--1

Absent--Senator Johnson--1

Absent with leave--Senators

Bentley	Curls	Scott--3
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The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Schneider moved that **SS** for **SCS** for **SB 869** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Quick resumed the Chair.

Senator Clay assumed the Chair.

At the request of Senator Schneider, **SS** for **SCS** for **SB 869** was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**--Judiciary.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1185**, entitled:

An Act relating to waiving administrative rules for school districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 720**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 818**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 896**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 945**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 874**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 802**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 802, Page 2, Section 105.950, Lines 1-10, by deleting all of said section.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 826**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 914**, entitled:

An Act to repeal sections 52.230, 110.130, 110.140, 110.150, 140.170, 140.190 and 140.405, RSMo 1994, relating to county government, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 665**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 501**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 676**, entitled:

An Act to repeal section 206.157, RSMo 1994, relating to powers of certain hospital districts, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 845**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 845, Page 1, Section 246.305, Line 7, by deleting the words "**either of**"; and further amend said section, line 16, by deleting the word "**or**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 916**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 484**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 806**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 532**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 870** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SB 870**: Representatives: Koller, Fiebelman, Garnett, Ross, Hartzler (124).

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 870**: Senators Staples, McKenna, Maxwell, Singleton and Westfall.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 1377--Public Health and Welfare.

RESOLUTIONS

Senator Banks offered Senate Resolution No. 1200, regarding the death of Alderwoman Bertha Mitchell, St. Louis, which was adopted.

Senator Mueller offered Senate Resolution No. 1201, regarding Janice A. Phillips, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Bud Creech, Betty Hunter, Dana Humphrey, Linda Creech, Bart Creech and Bob Duncan, Lincoln County.

Senator Westfall introduced to the Senate, Fred, LaRue and LaNee Lemons, Lockwood; and LaNee was made an honorary page.

Senator Kenney introduced to the Senate, Brett Hueffmeier, Lee's Summit; and Brett was made an honorary page.

Senator Moseley introduced to the Senate, Lisa Boyer and twenty students from Rock Bridge High School, Columbia.

Senator Maxwell introduced to the Senate, Ken Keller, Mexico.

Senator Caskey introduced to the Senate, Jerry and Gayle Harper, Peculiar.

Senator Kenney introduced to the Senate, members of Leadership Missouri.

Senator Banks introduced to the Senate, Ms. Lisa Short, Ms. Gloria Foster, Ms. Gloria Reilly, Ms. Nadine Camp, and ninety-three fourth grade students from Gateway Elementary School, St. Louis; and Joshua Fullilove, Vincent Metzger, Eric Mallet and Eric Thomas were made honorary pages.

Senator Moseley introduced to the Senate, Jan Bagby and fourth grade students from Daly Elementary School, Fayette; and K.D. Polson, Megan Battles and Erin Bagby were made honorary pages.

Senator Melton introduced to the Senate, Sharon Marler, Larry Lafferty, Tim Jenkins and eight eighth grade students from Plainview R-VIII School, Douglas County.

Senator Graves introduced to the Senate, members of the VFW from Hale and Tina.

On behalf of Senator Treppler, Senator Mueller introduced to the Senate, Paula Nelson and thirty-one fifth grade students from Salem Lutheran School, Affton; and Meredith Rauscher, Cody Labruyere, Chris Linton and Chris Simmons were made honorary pages.

Senator Mueller introduced to the Senate, eighty-eight eighth grade students from Parkway Southwest Middle School, St. Louis; and Jennifer Hasty, Monica Jones, Jessica Johnson and Latiaa Whitfield were made honorary pages.

Senator Caskey introduced to the Senate, his brother, Robert Caskey, and Joe Hendricks, Windsor.

Senator Quick introduced to the Senate, students from Toppings Elementary School, Clay County.

Senator Westfall introduced to the Senate, Jennie Fell, Bobbie Hunt, Sarah Sturgis, Shawna Brockman and Jennie Ebey, Strafford; and Sarah, Shawna and Jennie were made honorary pages.

Senator Mathewson introduced to the Senate, Paul Bennett, Mat Watkins, Amy James and a delegation from American Legion State Youth Government Day; and Mat and Amy were made honorary pages.

Senator Graves introduced to the Senate, Daisy Workman and students from Nodaway County.

Senator Sims introduced to the Senate, fifteen eighth grade students from Ritenour Middle School, St. Louis; and Josh Boeck, Ebony Thomas, Patrick Rudolph and Crystal Sullivan were made honorary pages.

On behalf of Senator Wiggins, the President introduced to the Senate, Greg, Erin and Daniel Boyle, Kansas City; and Erin and Daniel were made honorary pages.

Senator Westfall introduced to the Senate, Jack and Kay Walker, Aurora.

Senator Johnson introduced to the Senate, Brandi Schubert, Cosby; Jason Trimmer, Rosendale; and Mrs. Oneida Gillispie, Savannah; and Brandi and Jason were made honorary pages.

Senator Moseley introduced to the Senate, Jessica Taylor, Moberly; and Floyd Russell, Cairo; and Jessica and Floyd were made honorary pages.

Senator Flotron introduced to the Senate, Ray Wagner, Chesterfield.

Senator Mathewson introduced to the Senate, A.J. Phipps, Kelly Johnson, David Douglas, Kyle Proffitt, Adrian Wegeng, Joseph Grimm and students from Richmond High School, Richmond; and Kelly, David, Kyle, Adrian and Joseph were made honorary pages.

Senator Caskey introduced to the Senate, Tom King and Ted Meeker, Warrensburg; Everett Good, Crestridge; Cathy Clark, Kingsville; Marie Allen, Knob Noster; Marcy Barnhart, Chilhowee; and Wendy Mansfield, Leeton.

On behalf of Senator Wiggins, the President introduced to the Senate, Frank Auten and Javier Guzman, Paola, Kansas.

Senator Moseley introduced to the Senate, the Physician of the Day, Harold Williamson, M.D., Columbia.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-EIGHTH DAY--THURSDAY, APRIL 18, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful that most of the time what is best for the people is best for us also. We pray for those times when it is not easy to do the right thing. Give us the courage to make the right decisions. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Curls	Scott--2
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 1202, regarding Mr. Al Daprato, Bellefontaine Neighbors, which

was adopted.

Senator Schneider offered Senate Resolution No. 1203, regarding Mr. Michael Shanahan, which was adopted.

PRIVILEGED MOTIONS

Senator Westfall moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 657** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Howard moved that **SCR 26** be taken up for adoption, which motion prevailed.

On motion of Senator Howard, **SCR 26** was adopted by the following vote:

Yeas--Senators

Bentley	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Rohrbach	Schneider	Sims
Staples	Westfall	Wiggins--23	

Nays--Senators

Caskey	Kenney	Melton	Russell
Singleton--5			

Absent--Senators

Banks	Clay	Quick--3
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Absent with leave--Senators

Curls	Scott	Treppler--3
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Senator Rohrbach moved that **HCR 4** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **HCR 4** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson

Maxwell	McKenna	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Clay	Quick--2
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Absent with leave--Senators

Curls	Scott	Treppler--3
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Senator Bentley moved that **HCR 8** be taken up for adoption, which motion prevailed.

On motion of Senator Bentley, **HCR 8** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators

Curls	Scott	Treppler--3
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RESOLUTIONS

Senator Mathewson moved that **SR 1076** be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **SR 1076** was adopted.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John David Starr, as a member of the Missouri Development Finance Board;

Also,

John B. Heskett, Jr., Ed.D. and Lea Levee, as members of the Missouri Head Injury Advisory Council;

Also,

Thomas J. Downey, as a member of the Missouri Family Trust Board of Trustees;

Also,

Stanley R. Cowan, as a member of the Well Installation Board;

Also,

William Hayden Creech, Jr., as a member of the Missouri Housing Development Commission;

Also,

Joye G. McElwee, as a member of the Missouri Emergency Response Commission;

Also,

Dean Eugene Freeman, as a member of the Dam and Reservoir Safety Council.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

On behalf of Senator Wiggins, Chairman of the Committee on State Budget Control, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HCS** for **HBs 904, 788 and 966**, with **SCS**; and **SCS** for **SBs 884 and 841**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SCS for **SBs 884 and 841**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 884 and 841

An Act to repeal sections 630.110, 630.115, 630.125, 630.140, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.192, 630.200, 631.110, 631.115, 631.120, 631.135, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.360, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994, and section 630.005, RSMo Supp. 1995, relating to mental health and to enact in lieu thereof fifty-two new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Moseley.

On motion of Senator Moseley, **SCS** for **SBs 884** and **841** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	DePasco	Ehlmann
Flotron	Goode	House	Howard
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Mueller
Quick	Rohrbach	Schneider	Sims
Singleton	Staples	Westfall	Wiggins--24

Nays--Senators

Caskey	Kenney	Russell--3
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Absent--Senators

Clay	Graves	Johnson	Melton--4
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Absent with leave--Senators

Curls	Scott	Treppler--3
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The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, after examination of **HB 1533**, with Senate Committee Substitute, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, which was requested by the sponsor to consider taking Senate Bill No. 981 out of order under the provisions of Senate Rule #6, begs leave to report that it has considered the request and recommends that Senate Bill No. 981 do be considered out of order.

Senator Banks moved that the above committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators

Curls	Scott	Treppler--3
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SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 981**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Goode moved that the above amendment be adopted, which motion failed.

Senator Goode offered **SS** for **SB 981**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 981

An Act to repeal section 144.748, RSMo 1994, relating to use tax, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause and a termination date.

Senator Goode moved that **SS** for **SB 981** be adopted.

At the request of Senator Goode, **SB 981**, with **SS** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SB 870, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 870

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 870; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Bill No. 870;
- 2. That the attached Conference Committee Amendment No. 1, be adopted.
- 3. That the House Committee Substitute for Senate Bill No. 870, with Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Don Koller
/s/ Bill McKenna /s/ Ken Fiebelman
/s/ Joe Maxwell /s/ Vicky Hartzler
/s/ Betty Sims /s/ Jess Garnett
/s/ Morris Westfall /s/ C. Ross

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 870, Page 3, Section A, Line 2, by striking the numeral "3" and inserting in lieu thereof the numeral "4"; and further on line 4 of section A by striking the numeral "3" and inserting in lieu thereof the numeral "4".

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall

Nays--Senators--None

Absent--Senators

Clay Ehlmann--2

Absent with leave--Senators

Curls Scott Treppler--3

On motion of Senator Staples, **HCS** for **SB 870**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators

Curls Scott Treppler--3

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley

Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators

Curls	Scott	Treppler--3
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On motion of Senator Staples, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Flotron moved that motion lay on the table, which motion prevailed.

Senator Quick assumed the Chair.

PRIVILEGED MOTIONS

Senator Caskey moved that **SB 605**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Clay	Moseley--2
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Absent with leave--Senators

Curls Scott Treppler--3

On motion of Senator Caskey, **SB 605**, as amended by **HCA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Clay Staples--2

Absent with leave--Senators

Curls Scott Treppler--3

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SBs 723** and **891**, introduced by Senator House, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 723 and 891

An Act to repeal sections 67.475, 77.140 and 99.430, RSMo 1994, sections 67.400, 67.455, 67.457, 67.459 and

67.461, RSMo Supp. 1995, relating to political subdivisions, and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

On motion of Senator House, **SS** for **SCS** for **SBs 723** and **891** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Howard--1

Absent with leave--Senators

Curls	Scott	Treppler--3
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The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator McKenna assumed the Chair.

Senator Schneider moved that **SS** for **SCS** for **SB 869** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Schneider, **SS** for **SCS** for **SB 869** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Moseley
Quick	Schneider	Staples	Westfall
Wiggins--21			

Nays--Senators

Graves	Kenney	Kinder	Melton
Rohrbach	Russell	Sims	Singleton--8

Absent--Senators

Clay	Mueller--2
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Absent with leave--Senators

Curls	Scott	Treppler--3
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The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 838**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Schneider, **SS** for **SCS** for **SB 838**, as amended, was withdrawn.

Senator Schneider offered **SS No. 2** for **SCS** for **SB 838**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 838

An Act to repeal sections 407.815, 407.825 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Schneider moved that **SS No. 2** for **SCS** for **SB 838** be adopted.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 838, Page 17, Section 407.825, Line 25 of said page, by striking "(a)" from said line; and

Further amend said section, page 18, line 1 of said page, by striking the period "." on said line and inserting in lieu

thereof the following: "; **provided:**"; and

Further amend said page, line 2, by striking "(b)" and inserting in lieu thereof "**(a)**"; and further on line 15, by striking "(c)" and inserting in lieu thereof "**(b)**"; and further on line 20, by striking "(d)" and inserting in lieu thereof "**(c)**"; and further on line 27, by striking "(e)" and inserting in lieu thereof "**(d)**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson assumed the Chair.

Senator Schneider moved that **SS No. 2** for **SCS** for **SB 838**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS No. 2** for **SCS** for **SB 838**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1204

WHEREAS, the members of the Missouri Senate have been pleased to take time from other duties to recognize Dennis H. Flanery, longtime Executive Manager of Jackson County Public Water Supply District No. 1; and

WHEREAS, Mr. Flanery, of Grandview, Missouri, served Jackson County Public Water District No. 1, the oldest and largest water district in the state; and

WHEREAS, Mr. Flanery served as the original chairman of the "Missouri Citizens for Safe Drinking Water", an ad hoc group that assisted our colleague the current Senator from the 10th District, Senator Wiggins, to create the first Missouri Safe Drinking Water legislation which was passed under the Senator's sponsorship in 1979 in connection with the 1974 Federal Safe Drinking Water Act; and

WHEREAS, Mr. Flanery was an original member of Missouri's "Safe Drinking Water Commission" appointed by Governor Ashcroft and Governor Carnahan, confirmed unanimously both times, was the first chairman of the commission, serving two years in the capacity; and

WHEREAS, Mr. Flanery was the first person in history to serve as the State Director for the American Water Works Association and the National Rural Water Association concurrently, initiated the Foundation for the National Water Industry Coordinating Committee bringing all of the different water industry associations to meet as a group to develop national safe drinking water legislation that would be practical and affordable for all Americans; and

WHEREAS, Mr. Flanery served two years on the Rural Water Executive Committee as the association treasurer; and received numerous other community awards far too numerous to list in this resolution but including President of the Harry S Truman Farm Home Foundation for the past thirteen years, President of the Grandview Chamber of Commerce in 1984, Director of the Grandview Bank and Trust for eight years, Rotary Man of the Year, Who's Who in America and many others;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding community services and dedication to duty of Dennis H. Flanery, express their appreciation for his lifetime of good citizenship and his untiring and exemplary efforts to assure safe drinking water for the people of Grandview and for all Missourians, and extend to Mr. Flanery and his family not only the Senate's thanks and admiration, but very best wishes for many long years continued success, good health and happiness.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 974**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HB 1098**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 811**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 1361**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 1050**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HBs 800, 812, 817 and 821**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HB 991**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3 and 4.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 991, Page 1, Section A, Line 3 by inserting immediately after said line the following:

"94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, [but no such] **and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section** shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax **and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax;** except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"[];

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES ☐ NO

If you are in favor of the question place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, provided in subdivision (1) of this subsection, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax [herein] authorized in subdivision (1) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. If more than three-sevenths of the votes cast by the qualified voters voting are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5. No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.

94.745. 1. All moneys received by a city imposing a sales tax under the provisions of sections 94.700 to 94.755 shall be deposited by the city treasurer, or other city officer authorized by ordinance, in a special fund to be known as the "City Transportation Trust Fund". All moneys in such transportation trust fund shall be appropriated and disbursed only for transportation purposes as enumerated in sections 94.700 to 94.755. The provisions of this subsection shall apply only to taxes authorized by sections 94.700 to 94.755 which have not been imposed to retire bonds issued pursuant to sections 94.700 to 94.755.

2. All moneys received by a city which issues bonds pursuant to the provisions of section 94.705 and imposes the tax authorized by such section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of the capital improvements made with the proceeds of the bonds. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for transportation purposes. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued pursuant to section 94.705 may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by section 94.705 which have been imposed to retire bonds issued pursuant to such section.

[2.] **3.** Any portion or all of the funds on deposit in a transportation trust fund may be appropriated and paid by a city directly to an interstate transportation authority, a city transit authority or a city utilities board for its general purposes in providing a public mass transportation system within an interstate transportation district or a municipality; provided that, before such funds may be appropriated and paid to any such interstate transportation authority, city transit authority or city utilities board with a service area population in excess of two million persons, such authority or board shall develop, for mutual agreement, a program of transit service to be provided to the city. Such program shall define the service to be provided, the fare structure to be in effect, the estimated cost of the total transit service program of the authority or board, and the estimated cost of the city's portion of the program. Such agreement shall be renewed prior to the beginning of each fiscal year and, when such agreement is reached, the city shall appropriate to the authority or board funds as are designated in the agreement for the period of the agreement. A city may designate by contract with an interstate transportation authority, a city transit authority or a city utilities board that a designated portion of such funds shall be used by the interstate transportation authority, the city transit authority or the city utilities board to provide specific service or frequency of service to underwrite a certain fare structure, or for any other purposes consistent with providing a sound public mass transportation system.

[3.] **4.** Any provisions of sections 94.700 to 94.755 to the contrary notwithstanding, at least seven percent of the proceeds of any sales tax imposed under sections 94.700 to 94.755 that are appropriated and paid by a city to an interstate transportation authority, a city transit authority or a city utilities board shall be expended only for the purchase of new public mass transportation equipment, for the construction of public mass transportation facilities, or for any other capital expenditures or improvements to the property of the interstate transportation authority, city transit authority or city utilities board used in providing public mass transportation service, or to pay the interest or principal payments, or to satisfy sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued for any of the above purposes.

[4.] **5.** Any provisions of sections 94.700 to 94.755 to the contrary notwithstanding, at least seven percent of the proceeds of any sales tax imposed under sections 94.700 to 94.755 that are appropriated and expended by a city for its general purposes in providing a public mass transportation system directly owned and operated by it shall be expended only for the purpose of new public mass transportation equipment, for the construction of public mass transportation facilities, or for any other capital expenditures or improvements to its properties used in providing public mass transportation service, or to pay the interest or principal payments, or to satisfy the sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued for any of the above purposes.

[5.] **6.** No funds may be appropriated and paid to any such transportation authority, transit authority or utilities board, unless and until such authority or board shall file or shall have filed with the city paying such funds, and the secretary of state of the state of Missouri, annually and within six months after the close of such authority or board's fiscal year, an independently audited report and accounting as to such authority or board's management and administration of any and all funds received and expended by such authority or board.

[6.] **7.** Transportation authorities operating a public mass transportation system under sections 94.700 to 94.755 shall provide for interior and exterior advertising on each vehicle for mass transportation purposes."; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 991, Page 3, Section 1, Lines 5 through 12, by deleting all of said lines and inserting in lieu thereof the following:

"(2) 'Household goods', personal effects and property used or to be used in a dwelling when part of the equipment or supplies of such dwelling and similar property, if the transportation of such effects or property, is either arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in his or her dwelling, or arranged and paid for by another party. The term 'household goods' shall not include personal property which when tendered to a motor carrier is crated or otherwise packaged to make it suitable for transportation by motor carriers of general commodities, freight or property;"; and

Further amend said bill, Page 4, Section 2, Line 12, by deleting the word "**wholly**" and inserting in lieu thereof the word "**only**".

SENATE COMMITTEE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8 by inserting immediately after said line the following:

"301.041. 1. All commercial motor vehicles and trailers to be operated under agreements as provided for in sections 301.271 to 301.279 shall be registered annually.

2. An application for renewal registration under this section shall be made with all required documents on or before October first of each year. Renewal applications received after October first shall be assessed a penalty of one hundred dollars. The director or his designee may waive the penalty under this subsection for good cause.

3. Fees for commercial motor vehicles renewed under this section shall be paid no later than December first of each year except for payments made on an installment basis as provided in subsection 4 of this section. Renewal application fees not paid by December first shall be assessed a penalty of fifty dollars per vehicle, but in no case shall such penalty exceed one hundred fifty dollars per application. The director or his designee may, for good cause, waive or reduce any penalties assessed under this subsection.

4. Any owner of a commercial motor vehicle or trailer operated under agreements provided in sections 301.271 to 301.279 may elect to pay the annual registration fee in two equal installments, except that no such installment shall be less than one hundred dollars. The first installment shall be payable on or before December first, and the second installment shall be payable on or before June first of that registration year. Every owner electing to pay on an installment basis shall file with the director of the department of revenue, on or before December first, a surety bond, [or] certificate of deposit **or irrevocable letter of credit as defined in section 400.5-103, RSMo**, to guarantee the payment of the second installment. The bond or certificate **or letter of credit** shall be in an amount equal to the payment guaranteed.

5. If a new application for registration of a commercial vehicle is made other than as specified in subsection 1 of this section, the registration fee shall be prorated as follows:

(1) For applications made between April first and June thirtieth, the applicant shall pay three-fourths of the annual registration fee;

(2) For applications made between July first and September thirtieth, the applicant shall pay one-half of the annual registration fee; and

(3) For applications made after October first of the current registration year, the applicant shall pay one-fourth of the annual registration fee.

6. Any applicant who fails to timely renew his registration with all required documents under this section or who fails to timely pay any fees and penalties owed under this section shall not be issued a temporary registration under agreements as provided for in sections 301.271 and 301.279. Nothing in this section shall prohibit the issuance of temporary registration credentials for additions to the registrant's fleet subsequent to renewal.

7. The applicant for registration under this section shall affix the registration plate issued by the director to the front of the vehicle in accordance with the provisions of section 301.130. Any vehicle required to be registered under this section shall display the plate issued to that vehicle no later than December thirty-first of each year. Failure to display the registration plates required by this section shall constitute a class A misdemeanor.

8. The director of revenue may prescribe rules and regulations for the effective administration of this section.

[9. The provisions of this section shall become effective April 1, 1994.]; and

Further amend the title and enacting clause accordingly.

SENATE COMMITTEE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Lines 1-8, by removing all of said section from the bill; and

Further amend the title and enacting clause accordingly.

On behalf of Senator Lybyer, Chairman of the Committee on Appropriations, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HB 1244**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 849**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 1432**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HCS** for **HB 781**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HCS** for **HB 1099**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HB 773**, begs leave to

report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 773, Page 1, Section 302.304, Line 5 by inserting immediately after "conviction." the following: "**No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.**".

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HS** for **HB 832**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HS** for **HCS** for **HBs 1301** and **1298**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **HB 1101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Banks, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 855**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 855, Page 1, Section 288.379, Line 13, by inserting immediately after "unemployment" the following: "**compensation shall remain in the unemployment compensation trust fund**"; and

Further amend said bill and section, page 2, line 18, by striking "State" and inserting in lieu thereof "**States**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 582**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 834**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 834, Page 2, Section 194.400, Line 16, by deleting the words "**native American**"; and

Further amend said bill, Page 2, Section 194.400, Lines 26 to 28, by deleting all of said lines; and

Further amend said bill, Page 2, Section 194.400, Line 29, by deleting the number "**5**" and inserting in lieu thereof the number "**4**"; and

Further amend said bill, Page 2, Section 194.400, Line 38, by deleting the number "**6**" and inserting in lieu thereof the number "**5**"; and

Further amend said bill, Page 2, Section 194.400, Lines 39 to 40, by deleting all of said lines and inserting in lieu thereof the following: "**first violation, of a criminal law related to the trafficking of human remains or cultural items located in**"; and

Further amend said bill, Page 2, Section 194.400, Line 42, by deleting the number "**7**" and inserting in lieu thereof the number "**6**"; and

Further amend said bill, Page 3, Section 194.400, Line 50, by deleting the number "**8**" and inserting in lieu thereof the number "**7**"; and

Further amend said bill, Page 3, Section 194.400, Line 53, by deleting the number "**9**" and inserting in lieu thereof the number "**8**"; and

Further amend said bill, Page 3, Section 194.400, Line 55, by deleting the number "**10**" and inserting in lieu thereof the number "**9**"; and

Further amend said bill, Page 3, Section 194.410, Line 6, by deleting the words "**of a native American**"; and

Further amend said bill, Page 3, Section 194.410, Lines 11 to 12, by deleting the words "**native American**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 677**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 677, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, Page 2, Section 304.200, Line 35, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary in order to promote the efficient movement of farm products to areas of shortage, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 926**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 926, Page 1, Section 165.111.1, Line 4, by adding after the word "newspaper", the following "as described in section 493.050, RSMo."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 522**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 497**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SCS** for **SB 657** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 721**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 839**, entitled:

An Act to amend chapter 285, RSMo, relating to employers and employees by adding thereto one new section relating to transient employers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1411**, entitled:

An Act to repeal sections 301.140, 301.260, RSMo 1994, and sections 301.131, 301.144, 301.445, 301.447 and 301.448, RSMo Supp. 1995, relating to motor vehicle license plates, and to enact in lieu thereof fourteen new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SCS** for **SB 657**: Representatives: Hosmer, Lograsso, Legan, Canuteson, Relford.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, Senator Mathewson submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SBs 597** and **729**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 940**; **SB 929**; **SB 883**; **SB 850**; **SB 846**; **SB 837**; **SB 830**; **SB 766**; **SB 811**; **SCS** for **SB 758**; **SB 702**; **SCS** for **SB 694**; **SB 693**; **SCS** for **SB 662**; **SB 630**; and **SB 530**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 530**; **SB 630**; **SCS** for **SB 662**; **SB 693**; **SCS** for **SB 694**; **SB 702**; **SCS** for **SB 758**; **SB 766**; **SB 811**; **SB 830**; **SB 837**; **SB 846**; **SB 850**; **SB 883**; **SB 929**; and **SB 940**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 657**: Senators Westfall, Russell, Johnson, Caskey and Moseley.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HS for HCS for HBs 1207, 1288, 1408 and 1409--Agriculture and Local Government.

COMMUNICATIONS

Senator Johnson submitted the following:

MISSOURI SENATE

Jefferson City

April 18, 1996

Terry Spieler, Secretary of Senate

State Capitol Bldg., Rm. 325

Jefferson City, MO 65101

Dear Terry,

House Bill 809 was reported from the Senate Transportation Committee to the Senate floor on April 15 as a Consent bill.

The sponsor of this bill, Representative Charlie Shields, and I respectfully request that this bill be removed from the Consent Calendar and returned to the Transportation Committee. There is some language that needs to be changed.

Thank you for your assistance with this request.

Sincerely,

/s/ Sidney Johnson

Sidney Johnson

State Senator

34th District

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, Alma Davis and sixty- five sixth grade students from Duchesne School, Florissant; and Kandace Owens, Matt Hartman, Pam Thurston and Natalie Waller were made honorary pages.

Senator Mueller introduced to the Senate, Missouri Teacher of the Year, Beth Reynolds, St. Louis.

Senator Flotron introduced to the Senate, Art Busekist and students from Parkway North High School, St. Louis; and Danny Jacobs, Darren Grodsky, Stacy Kitsis and Michael Schwartz were made honorary pages.

Senator Moseley introduced to the Senate, Stuart and Cathy Scroggs, and their daughters, Sarah and Julie, Columbia.

Senator Flotron introduced to the Senate, Frances Cohen, and one hundred fourth grade students from Pierremont School, Manchester; and Mike Klos, Carrie Dixon, Rachel Randolph and Jeff Noble were made honorary pages.

Senator DePasco introduced to the Senate, Sister Sharon Giemza and sixteen seventh grade students from St. Ann's School, Independence; and Aaron Bahr, Angel Generaux, Andrea Klopfenstine and Ben Humm were made honorary pages.

Senator Melton introduced to the Senate, Russell Brock, Marilyn Mann, Travis Christensen, Amanda Terry, Elizabeth Mildren, Jason Rauch, Morgan Vandagriff, Dan Hoyt, Marcy Conrad, Stacy Schmidt and Cecelia English,

Monett.

On motion of President Pro Tem Mathewson, the Senate adjourned until 3:00 p.m., Monday, April 22, 1996.

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-NINTH DAY--MONDAY, APRIL 22, 1996

The Senate met pursuant to adjournment.

Senator Staples in the Chair.

Senator Rohrbach offered the following prayer:

...we call those blessed who endure. James 5:11

Our Father, we know not what will happen in the last weeks of this session, nor even what the agenda holds for today. Please give us patience; allow us to endure, to triumph. All too often in these last weeks, we find our patience sorely tried and our tempers out of control as the pace in this chamber picks up and events swirl around us. Help us to remember that You are here, that we need not worry. With our hands in Yours and You by our sides, we will endure. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 18, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Absent with leave--Senators

Clay	Scott	Sims--3
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The Lieutenant Governor was present.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1205, regarding Betty Simpson Spaar, Odessa, which was adopted.

Senator House offered Senate Resolution No. 1206, regarding the Twenty-fifth Anniversary of Boy Scout Troop 971, St. Charles, which was adopted.

On behalf of Senators Sims and Ehlmann, Senator Banks offered Senate Resolution No. 1207, regarding Angela Clynes, St. Peters, which was adopted.

On behalf of Senators Sims and Ehlmann, Senator Banks offered Senate Resolution No. 1208, regarding Katie Loftis, St. Peters, which was adopted.

On behalf of Senators Sims and Ehlmann, Senator Banks offered Senate Resolution No. 1209, regarding Lisa Masters, St. Peters, which was adopted.

On behalf of Senators Sims and Ehlmann, Senator Banks offered Senate Resolution No. 1210, regarding Michelle Mayne, Lake St. Louis, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1211, regarding Kari Fitzer, St. Louis, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1212, regarding Monica Indihar, St. Louis, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1213, regarding Carrie Koeller, Fenton, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1214, regarding Michelle Loomis, Fenton, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1215, regarding Emily Miller, Fenton, which was adopted.

On behalf of Senators Sims and House, Senator Banks offered Senate Resolution No. 1216, regarding Jamie Mires, St. Charles, which was adopted.

On behalf of Senators Sims, Staples and McKenna, Senator Banks offered Senate Resolution No. 1217, regarding Anne Herzog, Ste. Genevieve, which was adopted.

On behalf of Senators Sims, Staples and McKenna, Senator Banks offered Senate Resolution No. 1218, regarding Valerie Holland, Ste. Genevieve, which was adopted.

On behalf of Senators Sims, Staples and McKenna, Senator Banks offered Senate Resolution No. 1219, regarding Jody Swink, Ste. Genevieve, which was adopted.

On behalf of Senators Sims and Klarich, Senator Banks offered Senate Resolution No. 1220, regarding Angie Hetz, Glencoe, which was adopted.

On behalf of Senators Sims and Treppler, Senator Banks offered Senate Resolution No. 1221, regarding Kara King, St. Louis, which was adopted.

On behalf of Senators Sims and Schneider, Senator Banks offered Senate Resolution No. 1222, regarding Deborah Miner, St. Louis, which was adopted.

On behalf of Senators Sims and Scott, Senator Banks offered Senate Resolution No. 1223, regarding Elizabeth Morris, St. Louis, which was adopted.

On behalf of Senators Sims and Scott, Senator Banks offered Senate Resolution No. 1224, regarding Jennifer Wroblewski, St. Louis, which was adopted.

On behalf of Senators Sims and Flotron, Senator Banks offered Senate Resolution No. 1225, regarding Julie Wilkerson, Chesterfield, which was adopted.

On behalf of Senators Sims and Flotron, Senator Banks offered Senate Resolution No. 1226, regarding Courtney Pardo, Chesterfield, which was adopted.

On behalf of Senators Sims and Flotron, Senator Banks offered Senate Resolution No. 1227, regarding Karen Coughlin, Chesterfield, which was adopted.

On behalf of Senators Sims and Flotron, Senator Banks offered Senate Resolution No. 1228, regarding Melinda Coker, Chesterfield, which was adopted.

Senator Graves offered Senate Resolution No. 1229, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edward Owen, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1230, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Junior Benjamin Law, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1231, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Neff, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1232, regarding Colby A. Campbell, Plattsburg, which was adopted.

Senator Graves offered Senate Resolution No. 1233, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edgar Southers, Trenton, which was adopted.

Senator Graves offered Senate Resolution No. 1234, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. L. W. Sumerall, Brookfield, which was adopted.

Senator Kenney offered Senate Resolution No. 1235, regarding Ryan LeCluyse, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1236, regarding Ryan Ebberts, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1237, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Robert Hartman, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1238, regarding John Henry Heflin, Grain Valley, which was adopted.

Senator Kenney offered Senate Resolution No. 1239, regarding United States Army Specialist Larry Y. Snodderly, II, Lee's Summit, which was adopted.

Senator Russell offered Senate Resolution No. 1240, regarding the Fiftieth Anniversary of the Camdenton Area Chamber of Commerce, which was adopted.

On behalf of Senators Sims and Ehlmann, Senator Banks offered Senate Resolution No. 1241, regarding Marti Houdeshell, St. Peters, which was adopted.

On behalf of Senators Sims and Mueller, Senator Banks offered Senate Resolution No. 1242, regarding Angela Kilper, Fenton, which was adopted.

On behalf of Senators Sims, Staples and McKenna, Senator Banks offered Senate Resolution No. 1243, regarding Miranda Rabus, High Ridge, which was adopted.

On behalf of Senators Sims and House, Senator Banks offered Senate Resolution No. 1244, regarding Stephanie Shannon, St. Charles, which was adopted.

On behalf of Senators Sims and Schneider, Senator Banks offered Senate Resolution No. 1245, regarding Angela Simmons, Florissant, which was adopted.

On behalf of Senators Sims and Flotron, Senator Banks offered Senate Resolution No. 1246, regarding Elizabeth Slane, Chesterfield, which was adopted.

On behalf of Senators Sims and Klarich, Senator Banks offered Senate Resolution No. 1247, regarding Laurie Tucker, Sullivan, which was adopted.

Senator Mueller offered Senate Resolution No. 1248, regarding the One Hundredth Anniversary of the City of Webster Groves, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 12**.

HOUSE CONCURRENT RESOLUTION NO. 12

WHEREAS, the quality of life in the communities of this state and nation is largely reflective of the beliefs and ideals held by the individuals residing in those communities, who may express their vision, intelligence, and imagination in many different ways; and

WHEREAS, the history of this great nation is indelibly marked with the role that prayer has played in the lives of individual Americans and in the development of the United States as a whole; and

WHEREAS, the National Day of Prayer is a tradition which dates back to the year 1775, when the event was first proclaimed by the Continental Congress; and

WHEREAS, the National Day of Prayer gives Americans from widely diverse backgrounds a unique opportunity to unite toward a common good in an attitude of prayer, one which stems from a belief in God expressed by ninety-eight percent of Americans; and

WHEREAS, the National Day of Prayer is an opportunity for Americans from all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders and bring wholeness to the United States and its citizens; and

WHEREAS, in light of the current social unrest brought about by crime, poverty, racial strife, and illegal drug use, and the disruption brought about by various natural disasters, America needs prayer now more than ever before; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May of each year as a National Day of Prayer was passed unanimously by both Houses of Congress and signed by President Ronald Reagan:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, hereby unanimously join with private citizens and public officials around the nation in observing May 2, 1996, as the National Day of Prayer, and further urge all Missourians to support this observance in ways appropriate to its importance and significance; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for presentation during the upcoming National Day of Prayer.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 870** and has taken up and passed **HCS** for **SB 870**, as amended by the Conference Committee Report.

Emergency clause adopted.

Bill ordered enrolled.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jewel L. Hunter, 26 Kentom Drive, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Health and Educational Facilities Authority, for a term ending July 30, 1999, and until his successor is duly appointed and qualified; vice, Steven Dust, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Albert J. Elfrank, Democrat, 21228 Highway O, Advance, Stoddard County, Missouri 63730, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2000, and until his successor is duly appointed and qualified; vice, Michael Dalton, III, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Marjorie B. Schramm, 850 Elm Tree Lane, Kirkwood, St. Louis County, Missouri 63122, as a member of the Seismic Safety Commission, for a term ending August 11, 1996, and until her successor is duly appointed and qualified; vice, Patricia Killoren, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Tracy G. Spencer, Democrat, 12130 Natural Bridge J., Bridgeton, St. Louis County, Missouri 63044, as a member of the Workers' Compensation Determination Review Board, for a term ending March 3, 1998, and until her successor is duly appointed and qualified; vice, Patricia Williamson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James R. Dickerson, Lake Road 54-80, Camdenton, Camden County, Missouri 65020, as a member of the Missouri Training and Employment Council, for a term ending April 18, 2000, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah Ann Depew, D.O., Democrat, 7614 Spanish Claim Road, Sullivan, Franklin County, Missouri 63080-9312, as a member of the State Board of Registration for the Healing Arts, for a term ending September 3, 1998, and until her successor is duly appointed and qualified; vice, Robert C. Woods, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 18, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas W. Burnett, Democrat, 21875 South Mount Pleasant Road, Hartsburg, Boone County, Missouri 65039, as a member of the State Tax Commission, for a term ending January 23, 2002, and until his successor is duly appointed and qualified; vice, William R. Brenner, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Karen W. Taylor for the Missouri Training and Employment Council, submitted to you on April 17, 1996. Line 3 should be amended to read:

for a term ending August 28, 1996, and until her successor is duly appointed and qualified; vice, Terrance Ward, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HCS** for **SB 676** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 981**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 981, Page 8, Section 144.757, Line 3 of said page, by striking "or before" from said line; and further on line 4, by striking "November 5" and inserting in lieu thereof "**August 6**"; and further on line 7, by striking "January 1, 1997" and inserting in lieu thereof "**October 1, 1996**"; and further on line 9, by striking "November 15" and inserting in lieu thereof "**August 16**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator McKenna assumed the Chair.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 981, Page 6, Section 144.757, Lines 5-7, by striking "The local use tax shall" from line 5 and by striking all of lines 6 and 7 and inserting in lieu thereof the following: "**A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**"; and

Further amend said page, lines 22-24, by striking "The local use tax shall" from line 22 and by striking all of lines 23 and 24 and inserting in lieu thereof the following: "**A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**"; and

Further amend said section, page 7, lines 10-11, by striking all of said lines and inserting in lieu thereof the following: "**A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**"; and

Further amend said page, lines 24-26, by striking "The local use tax shall not apply to" from line 24 and by striking all of lines 25-26 and inserting in lieu thereof the following: "**A use tax return shall not be required to be filed by persons whose purchases from out of state vendors do not in total exceed two thousand dollars in any calendar year.**".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 981, Pages 1-4, Section 144.748, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Flotron offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 981, Pages 1-4, Section 144.748, by removing all new language and brackets; and

Further amend said bill, same section, line 5 of page 1, by adding the following: "["; and

Further amend said bill, same section, line 25 of page 4, by adding a "]" at the end of said line; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Goode moved that **SS** for **SB 981**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS** for **SB 981**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Mathewson referred **HCR 12** to the Committee on Rules, Joint Rules and Resolutions.

BILL REFERRALS

President Pro Tem Mathewson referred **HB 974**, with **SCS**; **HCS** for **HBs 800, 812, 817** and **821**, with **SCS**; **HS** for **HB 832**; **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**; and **HB 1244**, with **SCS**, to the Committee on State Budget

Control.

SENATE BILLS FOR PERFECTION

Senator Staples moved that **SB 719**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 719**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 719

An Act to repeal sections 473.730, 473.733, 473.739, 473.747 and 475.050, RSMo 1994, and section 50.333, RSMo Supp. 1995, relating to public administrators, and to enact six new sections relating to the same subject.

Was taken up.

Senator Staples moved that **SCS** for **SB 719** be adopted, which motion prevailed.

On motion of Senator Staples, **SCS** for **SB 719** was declared perfected and ordered printed.

Senator Treppler moved that **SB 510**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SSA 1** for **SA 2** was withdrawn.

At the request of Senator Treppler, **SA 2** was withdrawn.

Senator Treppler offered **SS** for **SCS** for **SB 510**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 510

An Act to repeal sections 302.191 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers for safety purposes, with penalty provisions and an effective date.

Senator Treppler moved that **SS** for **SCS** for **SB 510** be adopted, which motion prevailed.

Senator Treppler moved that **SS** for **SCS** for **SB 510** be declared perfected and ordered printed, which motion prevailed on a standing division vote.

Senator DePasco moved that **SB 652** and **SB 548**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 652** and **548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 652 and 548

An Act to repeal sections 115.123 and 115.283, RSMo 1994, and section 115.277, RSMo Supp. 1995, relating to elections and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator DePasco moved that **SCS** for **SBs 652** and **548** be adopted.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 652 & 548, Page 8, Section 115.283, Line 156, by inserting immediately after said line, the following:

"115.399. 1. Not later than the [tenth] **eighth** Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for president and vice president of the United States.

2. Not later than the third Tuesday prior to each presidential election, the state committee of each established political party shall certify in writing to the secretary of state the names of its nominees for presidential elector. At least one qualified resident of each congressional district shall be named as a nominee for presidential elector by each state committee, and the number of nominees for presidential elector named by each state committee shall equal the number to which the state is entitled.

3. When submitted for filing, each certification made by a state committee pursuant to the provisions of subsection 2 of this section shall be accompanied by a declaration of candidacy for each candidate for presidential elector. Each declaration of candidacy shall state the candidate's full name, residence address, office for which he proposes to be a candidate and that if elected he will qualify. Each such declaration shall be in substantially the following form:

I,, a resident of the congressional district and the state of Missouri do announce myself a candidate for the office of presidential elector from the congressional district (state at large) on the ticket, to be voted for at the presidential election to be held on the day of, 19..., and I further declare that if nominated and elected to such office I will qualify.

..... Subscribed and sworn Signature of candidate to before me this day of, 19.....
.....

Residence address Signature of election official or officer authorized to administer oaths

Each such declaration shall be subscribed and sworn to by the candidate before the election official receiving the certification, a notary public or other officer authorized by law to administer oaths."; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 652 & 548, Page 2, Section 115.123, Line 23, by striking "and 3" and inserting in lieu thereof the following: ", **3 and 4**"; and further on line 26, by striking "August,"; and further on line 27, by inserting immediately after said line, the following:

"2. Notwithstanding the provisions of subsection 1 of this section, school districts may hold elections on the first Tuesday after the first Monday in June and in nonprimary years on the first Tuesday after the first Monday in August."; and further on line 28, by striking "2." and inserting in lieu thereof "**3.**"; and further on line 36, by striking "3." and inserting in lieu thereof "**4.**".

Senator Johnson moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 652 & 548, Page 2, Section 115.123, Line 38, by inserting immediately after said line the following:

"115.157. The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public a tape or printout showing any registration information, except as provided in this section. The election authority or secretary of state shall make available tapes, printouts and mailing labels showing **unique voter identification numbers**, voters' names, dates of birth, addresses, townships or wards, and precincts for a reasonable fee determined by the secretary of state. **Electronic data shall be maintained in at least the following separate fields:**

(1) Voter identification number;

(2) First name;

(3) Middle initial;

(4) Last name;

(5) Suffix;

(6) Street number;

(7) Street direction;

(8) Street name;

(9) Street suffix;

(10) Apartment number;

(11) City;

(12) State;

(13) Zip code;

(14) Township;

(15) Ward;

(16) Precinct;

(17) Senatorial district;

(18) Representative district;

(19) Congressional district.

Mailing labels shall include a unique voter identification number for each name. All revenues collected by the secretary of state as provided in this section shall be deposited in the state treasury and credited to the secretary of state's

technology trust fund account. The election authority shall also furnish, for a reasonable fee, a printout, mailing labels or other record showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that the election authority enters such data into the computer database. **The amount of fees charged for information provided in this section shall be established by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo.** Each election authority that has registration records in computerized form shall have printed in even-numbered years a copy of the voter registration list for its jurisdiction. One copy of the computerized printout, if available, shall be supplied to all candidates and party committees upon request for a reasonable charge. **Any election authority who has a computerized registration system and who, as of the effective date of this act, has all or any part of the information contained in subdivisions (1) to (19) of this section within the computerized registration system, shall make that information available, pursuant to chapter 610, RSMo, for use in the 1996 general election, and all subsequent elections. Any election authority who has a computerized registration system but who does not have such information within the computerized registration system on the effective date of this act, shall make such information available for use in all elections following the 1996 general election. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.**

115.158. 1. On or before July 1, 1996, the secretary of state may begin to procure and develop an electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state. This system shall be known as the "Centralized Voter Registration System". In addition to maintaining a centralized voter registration database, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information can be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. **The amount of fees charged for information provided in this section shall be established by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo.** Violation of this section shall be a class B misdemeanor.

2. The secretary of state may adopt rules and regulations necessary to administer the system required in subsection 1. The rules and regulations must at least:

(1) Provide for voters to submit their registration to those offices and agencies authorized in this chapter and the National Voter Registration Act of 1993;

(2) Provide for the establishment and maintenance of a centralized database for all voter registration information;

(3) Provide procedures for entering data into the centralized database;

(4) Provide for the interaction with other state agencies and departments to facilitate voter registration;

(5) Allow election authorities and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date information;

(6) Allow election authorities and the secretary of state access to the centralized database for review and search capabilities;

(7) Provide security and protection of all information in the centralized database and monitor the centralized database to ensure unauthorized entry is not allowed;

(8) Provide a system for each election authority to identify the precinct to which a voter should be assigned for voting purposes;

(9) Provide a procedure for phasing in or converting existing manual and computerized voter registration systems to the centralized voter registration system; and

(10) Provide a procedure for transferring data from election authorities' existing computerized voter registration systems located in first class counties to the centralized voter registration system.

3. The secretary of state shall be responsible for the implementation and maintenance of the centralized voter registration system.

4. The secretary of state shall by rule and regulation establish an advisory committee to assist in the establishment and maintenance of a centralized voter registration system."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

President Pro Tem Mathewson assumed the Chair.

At the request of Senator DePasco, **SB 652** and **SB 548**, with **SCS** and **SA 3** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 22, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of James R. Dickerson for the Missouri Training and Employment Council, submitted to you on April 18, 1996. Line 3 should be amended to read:

for a term ending August 28, 1996, and until his successor is duly appointed and qualified; vice, vacancy.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above addendum to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 2** for **SCS** for **SB 838**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 484; SB 497; SB 501; SB 522; SB 532; SB 582; SB 605; SB 665; SB 720; SB 721; SCS for SB 806; SB 818; SB 826; SB 874; SCS for SB 896; SCS for SB 916; and SB 945**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 484; SB 497; SB 501; SB 522; SB 532; SB 582; SB 605; SB 665; SB 720; SB 721; SCS for SB 806; SB 818; SB 826; SB 874; SCS for SB 896; SCS for SB 916; and SB 945**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SB 530; SB 630; SCS for SB 662; SB 693; SCS for SB 694; SB 702; SCS for SB 758; SB 766; SB 811; SB 830; SB 837; SB 846; SB 850; SB 883; SB 929; and SB 940, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Bentley offered Senate Resolution No. 1249, regarding Jessica Tate, Springfield, which was adopted.

Senator Howard offered Senate Resolution No. 1250, regarding Charles Gerald Williams, Poplar Bluff, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Melton introduced to the Senate, Clay Thompson, Matt Trail and Rick Philpott, West Plains.

Senator Kenney introduced to the Senate, Richard Neill, Debbie Smith, Garry Piatt and twenty eleventh grade students from Centerplace Restoration School, Independence.

Senator Flotron introduced to the Senate, the Physician of the Day, Dr. Randall Treadwell, M.D., Chesterfield.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY--TUESDAY, APRIL 23, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

Reverend J. Arnold Bickel offered the following prayer:

Our Father in Heaven, once again we offer to You our grateful thanks for Your mercy that cared for us during the night and brought us safely to this hour. Teach us to trust You more completely and to seek Your help in all that we have to do or say, through Jesus Christ, our Lord, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator Lybyer requested unanimous consent of the Senate that the conference committee on **HB 1002** through **HB 1012** be allowed to meet in the rear gallery during the evening session of the Senate, which request was granted.

President Wilson assumed the Chair.

RESOLUTIONS

Senator Flotron offered Senate Resolution No. 1251, regarding Judy Giovanoni, Maryland Heights, which was adopted.

CONCURRENT RESOLUTIONS

Senators Howard, Banks, Kinder and Singleton offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the Joint Committee on Health Care Policy and Planning was established by statute in Section 191.825, RSMo, in 1993, pursuant to Public Law 93-564; and

WHEREAS, the stated missions of the Joint Committee on Health Care Policy and Planning included analyzing and developing policy proposals to improve the delivery of health care services in Missouri, to monitor the effect of any legislative action upon the delivery of health care services in Missouri and to make recommendations to the General Assembly for legislative action regarding health care policy and planning; and

WHEREAS, any state funded agency which provides or regulates health care services is statutorily mandated to cooperate with and assist the Joint Committee on Health Care Policy and Planning in the performance of its duties; and

WHEREAS, the health care industry has evolved into a new era of managed care, provider networks, continuum of care and outpatient services; and

WHEREAS, the Missouri General Assembly has an inherent duty to the citizens of this great state to assure those same citizens quality health care at affordable prices; and

WHEREAS, an in-depth study must be made to determine the necessary improvements needed to provide such quality health care to Missouri's citizens; and

WHEREAS, the Joint Committee on Health Care Policy and Planning feels that the health care issues facing the state of Missouri are of such great importance and because the Committee was established in 1993 for the specific purpose of dealing with the complex health care issues of this state and because the members of such committee are well informed on health care policies and issues and because such committee has the statutory authority to hire staff;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Joint Committee on Health Care Policy and Planning, respectfully request that such committee be delegated the authority to act as the interim task force committee to prepare a comprehensive study and legislative recommendations regarding Missouri's managed health care laws for the General Assembly and the Governor;

BE IT FURTHER RESOLVED, that the Joint Committee on Health Care Policy and Planning shall convene in May 1996 and meet at least monthly thereafter through November 1996. Such meetings and hearings shall be held in Jefferson City and any additional locations as deemed necessary by the Committee to gather sufficient input.

BE IT FURTHER RESOLVED, that the staff of the Committee on Legislative Research, of Senate Research and House Research provide technical, legal and clerical assistance to the committee as the committee may request. The staff may request assistance from the Department of Health, Department of Insurance, the Department of Social Services and the Division of Medical Services, and the Board of Trustees of the Missouri Consolidated Health Care Plan. The expenses of each staff shall be paid from the contingency fund of their respective departments.

BE IT FURTHER RESOLVED, that the actual and necessary expenses of the Joint Committee on Health Care Policy and Planning, its members, and any staff personnel assigned to the Committee incurred in attending meetings of the committee or any subcommittee thereof be paid from the Joint Contingent Fund.

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Committee, the Governor and the Directors of the Departments of Health, Insurance and Social Services.

Senator Clay offered the following concurrent resolution, which was referred to the Committee on Rules, Joint Rules and Resolutions:

SENATE CONCURRENT RESOLUTION NO. 28

WHEREAS, the United States has long supported a just peace in Northern Ireland, one that can only be achieved with a settlement that protects the civil rights of all parties; and

WHEREAS, a cornerstone of United States immigration policy is reuniting families, and preferences are given to immediate family members seeking admission into the United States; and

WHEREAS, the United States has maintained a proud heritage that has centered around the ideals of liberty and support for international human rights, and has expressly condemned governments for their failure to help families reunite; and

WHEREAS, separating a person from loved ones causes great anguish for all those involved; and

WHEREAS, Matt Morrison sought refuge in the United States after having served his sentence as prescribed by the British Courts, and subsequently found sanctuary in this country, established a fine family, and made this great land his home; and

WHEREAS, Matt Morrison has worked, paid taxes, obeyed laws, and lived peaceably in the St. Louis area for the past ten years; and

WHEREAS, the Immigration and Naturalization Service has pending deportation proceedings against Matt Morrison, who is not wanted by the British Courts for a crime, and who is not suspected of a crime in the United States of America or in the United Kingdom; and

WHEREAS, these proceedings have provoked great controversy and criticism within Ireland and Great Britain and have been criticized by human rights organizations worldwide; and

WHEREAS, Matt Morrison's wife, Francie, and their two children are citizens of the United States of America; and

WHEREAS, the deportation of Matt Morrison would disrupt his family and separate him from his spouse and his American-born children in a manner that is repugnant to principles of United States Immigration policy and the oft-stated declarations of this nation; and

WHEREAS, many mentally-ill citizens in the St. Louis area would suffer directly if Matt's wife, Francie, who serves as Director of Places For People, is forced to leave this country; and

WHEREAS, Matt Morrison, his loving wife, Francie, and his two children, Matthew and Mary Kate, are united in their desire to keep the family intact, and the citizens of the City of St. Louis along with many friends and loved ones share this desire:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Eighty-eighth General Assembly, the House of Representatives concurring therein, hereby join the Board of Aldermen of the City of St. Louis in calling upon the United States Immigration and Naturalization Service to stay the deportation proceedings against Matt Morrison, who has served sentence for offenses stemming from the conflict in Northern Ireland, and to permit Mr. Morrison to remain in the United States with his family; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the United States Immigration and Naturalization Service.

Senator McKenna assumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 687**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House

Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 687;
- 3. That the attached Conference Committee Substitute No. 2 for House Committee Substitute for Senate Substitute for Senate Bill No. 687, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Sheila Lumpe

/s/ David Klarich /s/ Rita Days

/s/ Mike Lybyer Tim Green

/s/ Betty Sims /s/ Pat Secrest

John Schneider /s/ Emmy McClelland

Senator Goode moved that the above conference committee report no. 2 be adopted.

Senator Schneider offered the following substitute motion, which was read:

"I move that the Senate refuse to adopt Conference Committee Report No. 2 on **HCS** for **SS** for **SB 687** and request the House to grant further conference on **HCS** for **SS** for **SB 687** and the Senate conferees be instructed to remove sections 162.856.2(4) and 162.859.1 as provided in Conference Committee Report No. 2."

Senator Schneider moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Banks, Klarich, Graves and Flotron.

The substitute motion made by Senator Schneider failed of adoption by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	DePasco
House	Maxwell	McKenna	Quick
Schneider	Scott	Staples--11	
Nays--Senators			
Bentley	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Melton	Moseley	Mueller	Rohrbach
Russell	Sims	Treppler	Westfall

Wiggins--21

Absent--Senators

Curls Singleton--2

Absent with leave--Senators--None

Senator Goode moved that Conference Committee Report No. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Goode
Howard	Johnson	Kinder	Klarich
Lybyer	Mathewson	Moseley	Mueller
Rohrbach	Russell	Sims	Singleton
Treppler	Westfall	Wiggins--19	

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	House	Kenney	Maxwell
McKenna	Quick	Schneider	Scott

Staples--13

Absent--Senators

Graves Melton--2

Absent with leave--Senators--None

On motion of Senator Goode, **CCS No. 2** for **HCS** for **SS** for **SB 687**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2 FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 687

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact in lieu thereof eleven new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Goode
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Graves	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	Melton
Mueller	Rohrbach	Russell	Sims
Singleton	Treppler	Westfall	Wiggins--20

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	House	Kenney	Maxwell
McKenna	Quick	Schneider	Scott
Staples--13			

Absent--Senator Moseley--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Melton	Mueller	Rohrbach	Russell
Sims	Singleton	Treppler	Westfall
Wiggins--21			

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	House	Maxwell	McKenna
Schneider	Scott	Staples--11	

Absent--Senators

Moseley	Quick--2
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Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

THIRD READING OF SENATE BILLS

At the request of Senator Clay, **SB 903** was placed on the Informal Calendar.

SCS for **SBs 597** and **729** was placed on the Informal Calendar.

SS No. 2 for **SCS** for **SB 838**, introduced by Senator Schneider, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 838

An Act to repeal sections 407.815, 407.825 and 407.835, RSMo 1994, relating to motor vehicle franchise practices, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

On motion of Senator Schneider, **SS No. 2** for **SCS** for **SB 838** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Moseley--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Quick moved that **SB 905** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

At the request of Senator Quick, **SB 905** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 981**; **SCS** for **SB 719**; and **SS** for **SCS** for **SB 510**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCS** for **SB 870**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **SB 870**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 676** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1380**, entitled:

An Act to repeal section 198.439, RSMo 1994, relating to the expiration date for the nursing facility reimbursement allowance, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **HJR 57**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 39(a) of article III of the Constitution of Missouri, relating to bingo and adopting one new section in lieu thereof relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Sims and House offered Senate Resolution No. 1252, regarding Monica Boll, St. Peters, which was adopted.

Senators Sims and House offered Senate Resolution No. 1253, regarding Amy Steck, St. Charles, which was adopted.

Senators Sims and Scott offered Senate Resolution No. 1254, regarding Kim Cagle, St. Louis, which was adopted.

Senators Sims and Staples offered Senate Resolution No. 1255, regarding Amanda Drury, Bloomsdale, which was adopted.

Senator Sims offered Senate Resolution No. 1256, regarding Elizabeth Selig, St. Louis, which was adopted.

Senators Sims and Ehlmann offered Senate Resolution No. 1257, regarding Jessica Westerhold, O'Fallon, which was adopted.

Senators Sims and Ehlmann offered Senate Resolution No. 1258, regarding Lorie O'Leary, St. Peters, which was adopted.

Senators Sims and Ehlmann offered Senate Resolution No. 1259, regarding Melissa Mitschele, Lake St. Louis, which was adopted.

Senators Sims and Ehlmann offered Senate Resolution No. 1260, regarding Beth Clover, Foristell, which was adopted.

Senators Sims and Flotron offered Senate Resolution No. 1261, regarding Bridget Madigan, Hazelwood, which was adopted.

Senators Sims and Flotron offered Senate Resolution No. 1262, regarding Jennifer Kramer, Ballwin, which was adopted.

Senators Sims and Flotron offered Senate Resolution No. 1263, regarding Katherine Hall, Chesterfield, which was adopted.

Senators Sims and Mueller offered Senate Resolution No. 1264, regarding Sarah Hulsey, St. Louis, which was adopted.

Senators Sims and Mueller offered Senate Resolution No. 1265, regarding Jennifer McCarthy, St. Louis, which was adopted.

Senators Sims and Treppler offered Senate Resolution No. 1266, regarding Beth Meyer, St. Louis, which was adopted.

Senators Sims and Treppler offered Senate Resolution No. 1267, regarding Kelly Lane, St. Louis, which was adopted.

Senators Sims and Klarich offered Senate Resolution No. 1268, regarding Teresa Mullen, Union, which was adopted.

Senators Sims, Staples and McKenna offered Senate Resolution No. 1269, regarding Ellyn Petrovic, Arnold, which was adopted.

Senators Sims, Staples and McKenna offered Senate Resolution No. 1270, regarding Amanda House, Pevely, which was adopted.

Senators Sims, Staples and McKenna offered Senate Resolution No. 1271, regarding Amie Callahan, Imperial, which was adopted.

Senators Sims and Flotron offered Senate Resolution No. 1272, regarding Jessica Stillwell, Chesterfield, which was adopted.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

RESOLUTIONS

Senator House offered Senate Resolution No. 1273, regarding the Eightieth Birthday of Mrs. Belle C. Blanton, St. Peters, which was adopted.

Senator Schneider offered Senate Resolution No. 1274, regarding Andrew R. Hazen, Florissant, which was adopted.

Senator Schneider offered Senate Resolution No. 1275, regarding Christian A. (Chris) Lawrence, Florissant, which was adopted.

Senator House offered Senate Resolution No. 1276, regarding Chad David Cunningham, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1277, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Henry Bunge, Marthasville, which was adopted.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 851**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 851**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 851

An Act to amend chapter 354, RSMo, by adding eight new sections relating to the restructuring of certain health care companies.

Was taken up.

Senator McKenna resumed the Chair.

Senator DePasco moved that **SCS** for **SB 851** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 851, Page 1, In the Title, Line 2, by inserting immediately after the word "relating", the following: **"to health care maintenance organizations and"**; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line, the following:

"354.430. 1. Every enrollee residing in this state is entitled to evidence of coverage. If the enrollee obtains coverage through an insurance policy or a contract issued by a health services corporation, whether by option or otherwise, the insurer or the health services corporation shall issue the evidence of coverage. Otherwise the health maintenance organization shall issue the evidence of coverage.

2. No evidence of coverage, or amendment thereto, shall be issued or delivered to any person in this state until a copy of the form of the evidence of coverage, or amendment thereto, has been filed with the director.

3. An evidence of coverage shall contain:

(1) No provisions or statements which are unjust, unfair, unequitable, misleading, or deceptive, or which encourage misrepresentation, or which are untrue, misleading, or deceptive as defined in subsection 1 of section 354.460; [and]

(2) A clear and complete statement, if a contract, or a reasonable complete summary, if a certificate, of:

(a) The health care services and the insurance or other benefits, if any, to which the enrollee is entitled;

(b) Any limitations on the services, kind of services, benefits or kinds of benefits to be provided, including any deductible or copayment feature;

(c) Where and in what manner information is available as to how services may be obtained;

(d) The total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to individual contracts; and

(e) A clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; **and**

(3) A statement that each enrollee has the right to know the profession and training of any person within the health service organization determining the necessity and appropriateness of the provision of health care services to the enrollee under the plan, and a phone number at which this information may be obtained.

4. Any subsequent change in an evidence of coverage may be made in a separate document issued to the enrollee.

5. A copy of the form of the evidence of coverage to be used in this state, and any amendment thereto, shall be subject to the filing of subsection 2 of this section unless it is subject to the jurisdiction of the director under the laws governing health insurance or health services corporations, in which event the filing provisions of those laws shall apply.

354.440. Every health maintenance organization shall make available to its enrollees:

(1) The most recent annual statement of financial condition, including a balance sheet and summary of receipts and disbursements;

(2) A description of the organizational structure and operation of the health care plan and a summary of any material changes since the issuance of the last report;

(3) A description of services and information as to where and how to secure them; [and]

(4) A clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; **and**

(5) Information about the profession and training of any person within the health service organization determining the necessity and appropriateness of the provision of health care services to the enrollee under the plan, and a phone number at which this information may be obtained."; and

Further amend said bill, page 4, section 354.765, line 6, by inserting immediately after said line the following:

"376.1200.1. Every health maintenance organization, health services organization and any other insurer providing a health care plan in this state shall provide for emergency medical services as part of that plan.

2. As used in this section, "emergency medical services" means those health care services deemed medically necessary by a qualified physician provided to evaluate and treat medical conditions of recent onset and severity."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 851, Page 2, Section 354.761, Line 5, by inserting after the word "occurs": "on an amount equal to the total tax subsidies obtained to the benefit of such entity over the preceding 25 years as determined by the director of the Department of Insurance, whichever is greater".

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Curls, Kenney, Russell and House.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 851, Page 2, Section 354.761, Line 5, by inserting after the word "occurs": "or an amount equal to the total tax subsidies obtained to the benefit of such entity over the preceding 25 years as determined by the director of the Department of Insurance, whichever is greater"; and

Further amend said section by striking all of the language appearing thereafter in lines 5 to 24.

Senator Schneider moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Melton, Curls, Singleton and Mueller.

Senator Johnson assumed the Chair.

At the request of Senator DePasco, **SB 851**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 821** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Scott offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 821, Page 1, In the Title, Line 2, by inserting immediately preceding the word "condemnation" the word "**appraisers and**"; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after said line, the following:

"339.501. 1. From and after July 1, 1997, it shall be unlawful for persons in this state to act as a real estate appraiser, or to directly or indirectly engage or assume to engage in the business of real estate appraisal or to advertise or hold themselves out as engaging in or conducting such business without first obtaining a license or certificate issued by the Missouri Real Estate Appraisers Commission under the provisions of this chapter.

2. No license or certificate shall be issued under the provisions of this chapter to a partnership, association, corporation, firm or group. However, nothing herein shall preclude a state-licensed or state-certified real estate appraiser from rendering appraisals for or on behalf of a partnership, association, corporation, firm or group, provided the appraisal report is prepared by, or under the immediate personal direction of, the state-licensed or state-certified real estate appraiser and is reviewed and signed by such state-licensed or state-certified appraiser.

3. Any person who is not state-licensed or state-certified under this chapter may assist a state-licensed or state-certified real estate appraiser in the performance of an appraisal provided that such person is personally supervised by a state-licensed or state-certified appraiser and provided further that any appraisal report rendered in connection with the appraisal is reviewed and signed by the state-licensed or state-certified real estate appraiser.

4. Nothing in this chapter shall abridge, infringe upon, or otherwise restrict the right to use the term "certified ad valorem tax appraiser" or any similar term by persons performing ad valorem tax appraisals.

5. The provisions of this chapter shall not be construed to require a license or certificate for:

(1) Any person, partnership, association or corporation who, as owner, shall perform appraisals of property owned by them;

(2) Any licensed real estate broker or salesperson who prepares a comparative market analysis for a listing; or

(3) Any employee of a local, state, or federal agency who performs appraisal services within the scope of his employment. However, this exemption shall not apply where any local, state, or federal agency requires an employee to be registered, licensed, or certified to perform appraisal services.

339.503. As used in sections 339.500 to 339.545, the following words have the meaning ascribed to them in this act unless the context clearly indicates otherwise:

(1) "Appraisal" or "real estate appraisal" means an objective analysis, evaluation, opinion, or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate[, for or in expectation of compensation]. An appraisal may be classified by subject matter into either a valuation or an analysis. An appraisal of real estate done in conjunction with a business valuation must be done by a state-licensed or state-certified appraiser;

(2) "Appraisal assignment" means an engagement for which a person is employed or retained to act as a disinterested third party in rendering an [unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate] objective appraisal;

(3) "Appraisal Foundation" means the organization of the same name that was incorporated as an Illinois not for profit corporation on November [30] 20, 1987, whose operative boards are the appraisal standards board and the appraisal qualifications board;

(4) "Appraisal report" means any communication, written or oral, of an **appraisal**. [analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate and all other reports communicating an appraisal analysis, opinion or conclusion regardless of title. Under this definition,] The purpose of an appraisal is immaterial[;], therefore valuation reports, real estate counseling reports, real estate tax counseling reports, real estate offering memoranda, mortgage banking offers, highest and best use studies, market demand and economic feasibility studies and all other reports communicating an appraisal analysis, opinion or conclusion are "appraisal reports", regardless of title;

(5) "**Appraisal Standards Board (ASB)**" means the independent board of the appraisal foundation which promulgates the generally accepted standards of the appraisal profession and the uniform standards of professional appraisal practices;

(6) "**Appraiser Qualifications Board (AQB)**" means the independent board of the appraisal foundation which establishes minimum experience, education and examination criteria for state licensing of appraisers;

(7) "**Certificate**" means that document issued by the Missouri real estate appraisal commission evidencing that the person named therein has satisfied the requirements for certification as a state-certified real estate appraiser and bearing a certificate number assigned by the commission;

(8) "**Certificate holder**" means a person certified by the commission under the provisions of this chapter;

[(5)] (9) "**Certified appraisal report**" means an appraisal **report** prepared or signed by a state certified real estate appraiser. A certified appraisal **report** represents to the public that it meets the appraisal standards defined in sections 339.500 to 339.545;

[(6)] (10) "**Commission**" means the Missouri Real Estate Appraisers Commission, created by this act;

(11) "**Comparative Market Analysis**" means the analysis of sales of similar recently-sold properties in order to derive an indication of the probable sales price of a particular property undertaken by a licensed real estate broker or salesman, for his principal, in connection with listing real estate;

[(7)] (12) "**Disinterested third party**" shall not exclude any state certified real estate appraiser or state licensed real estate appraiser employed or retained by any bank, savings association, credit union, mortgage banker or other lender to perform appraisal assignments, provided that the appraisal assignments are rendered with respect to loans to be extended by the bank, savings association, credit union, mortgage banker or other lender, and provided further that the state certified real estate appraiser or state licensed real estate appraiser is not requested or required to report a predetermined analysis or opinion of value;

[(8)] "**General certificate**" or "**general certification**" means a certificate or certification issued pursuant to the provisions of sections 339.500 to 339.545 for appraisals of all types of real estate;

(9)] (13) "**License**" or "**licensure**" means a license or licensure issued pursuant to the provisions of this act [for appraisals of residential real property of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, with a value of less than one million dollars, unless the nature or the size and complexity of the appraisal require a state certified real estate appraiser as determined by the commission or federal law] **evidencing that the person named therein has satisfied the requirements for licensure as a state-licensed real estate appraiser and bearing a license number assigned by the commission;**

[(10)] "**Real estate**" means an interest in an identified parcel or tract of land, including improvements, if any;]

(14) "**Real estate**" means an identified parcel or tract of land, including improvements if any;

(15) "**Real estate appraiser**" or "**appraiser**" means a person who for a fee or valuable consideration develops and communicates real estate appraisals or otherwise gives an opinion of the value of real estate or any interest therein;

[(11) "Real estate appraisal experience" means, for purposes of this act, any full calendar year in which a person spent an average of at least twenty hours per week engaged in appraising real estate;]

(16) "Real estate appraising" means the practice of developing and communicating real estate appraisals;

(17) "Real property" means the interests, benefits and rights inherent in the ownership of real estate;

(18) "Residential real estate" means any parcel of real estate, improved or unimproved, that is primarily residential in nature and that includes or is intended to include a residential structure containing not more than four dwelling units and no other improvements except those which are typical residential improvements that support the residential use for the location and property type. A residential unit in a condominium, town house, or cooperative complex or planned unit development is considered to be residential real estate. Subdivisions are not considered residential real estate. Individual parcels of property located within a residential subdivision shall be considered residential property;

[(12) "Residential certificate" or "residential certification" means a certificate or certification issued pursuant to the provisions of sections 339.500 to 339.545 for appraisals of residential real property of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, unless the nature or the size and complexity of the appraisal require a state certified general real estate appraiser as determined by the commission or federal law;

[(13)] **(19) "Specialized appraisal services" means appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser is acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services;**

[(14)] **(20) "State certified general real estate appraiser" means a person who holds a current, valid certificate [issued to him for either residential or other real estate appraisal] as a state-certified general real estate appraiser issued under the provisions of sections 339.500 to 339.545;**

[(15)] **(21) "State [licensed] -certified residential real estate appraiser" means a person who holds a current, valid [license issued to him for residential real estate appraisal subject to the] certificate as a state-certified residential real estate appraiser issued under the provisions of sections 339.500 to [339.545.] 339.549;**

(22) "State-licensed real estate appraiser" means a person who holds a current, valid license as a state-licensed real estate appraiser issued under the provisions of this chapter;

(23) "Subdivision" means a tract of land that has been divided into blocks or plots with streets, roadways, open areas, and other facilities appropriate to its development as residential, commercial or industrial sites;

(24) "Temporary appraiser licensure or certification" means the issuance of a temporary license or certificate by the commission to a person licensed or certified in another state who enters this state for the purpose of completing a particular appraisal assignment.

339.505. 1. [No person, other than a state certified real estate appraiser or a state licensed real estate appraiser, shall assume or use those titles or any title, designation, or abbreviation likely to create the impression of certification or licensure as a real estate appraiser by this state. A person who is not a state certified real estate appraiser pursuant to sections 339.500 to 339.545 shall not describe or refer to any appraisal or other evaluation of real estate located in this state by the term "certified".

2. Sections 339.500 to 339.545 shall not prohibit a person who is not certified as a state certified real estate appraiser or licensed as a state licensed real estate appraiser from appraising real estate for compensation.] **It shall be unlawful for any person in this state to assume or use the title "state-licensed real estate appraiser" or "state-certified real estate appraiser", or any title, designation, or abbreviation likely to create the impression of licensure or certification by the state of Missouri as a real estate appraiser, unless the person has first been licensed or**

certified by the Missouri real estate appraisers commission under the provisions of this chapter. The commission may adopt for the exclusive use of persons licensed or certified under the provisions of this chapter, a seal, symbol, or other mark identifying the user as a state-licensed or state-certified real estate appraiser.

2. Any person certified as a real estate appraiser by an appraisal trade organization, on the effective date of this act, shall retain the right to use the term "certified" or any similar term in identifying himself to the public, provided that in each instance wherein such term is used, the name of the certifying organization or body is prominently and conspicuously displayed immediately adjacent to such term, and provided further that the use of such term does not create the impression of certification by the state of Missouri. Nothing herein shall entitle any person certified only by a trade organization, and not certified or licensed by the state, the right to conduct any appraisal.

3. The term "state-licensed real estate appraiser", "state-certified real estate appraiser" or any similar term shall not be used following or immediately in connection with the name of a partnership, association, corporation or other firm or group or in such manner that it might create the impression of licensure or certification by the state of Missouri as a real estate appraiser.

339.507. 1. There is hereby created within the division of professional registration of the department of economic development the "Missouri Real Estate Appraisers Commission", which shall consist of seven members appointed by the governor with the advice and consent of the senate, six of whom shall be appraiser members, and one shall be a public member. Each member shall be a resident of this state and a registered voter for a period of one year prior to his appointment. The public member shall have never been engaged in the businesses of real estate appraisal, real estate sales or making loans secured by real estate. The governor shall designate one of the appraiser appointees to be chairperson.

2. The real estate appraiser members appointed by the governor shall be Missouri residents who have real estate appraisal experience in the state of Missouri for not less than five years immediately preceding their appointment. The real estate appraiser members appointed to the commission shall be designated members in good standing of nationally recognized real estate appraisal organizations that required, as of June 1, 1988, in order to become a designated member, appraisal experience, education and testing, and recertification that is at least equal to that required for certification or licensure under sections 339.500 to [339.545] **338.549**, provided that not more than one member of the commission shall be a designated member of the same nationally recognized real estate appraisal organization. Successor appraiser members of the commission shall be appointed from the registry of state certified real estate appraisers and state licensed real estate appraisers and not more than one successor appraiser member of the commission shall be a designated member in good standing of the same nationally recognized real estate appraisal organization as provided in this subsection. The governor shall not exclude a state certified real estate appraiser or a state licensed real estate appraiser from appointment as a successor appraiser member of the commission by virtue of membership or lack of membership of the state certified real estate appraiser or state licensed real estate appraiser in any particular real estate appraisal organization.

3. Of the initial members appointed, two members shall be appointed for one-year terms, two members for two-year terms, and three members for three-year terms, provided that the initial public member shall be appointed for a three-year term. All successor members shall be appointed for three-year terms. All members shall serve until their successors have been appointed and qualified. Vacancies occurring in the membership of the commission for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the commission shall continue to hold office until the appointment and qualification of their successors. No more than four members of the commission shall be members of the same political party. No person shall be appointed for more than two consecutive terms. The governor may remove a member for cause. The executive director of the commission shall be employed by the division of professional registration, subject to approval and confirmation by the commission.

4. The commission shall meet at least once each calendar quarter to conduct its business. The location in Missouri of future meetings shall be decided by a vote of the members present at the current meeting. The executive director shall give written notice by certified mail to each member of the time and place of each meeting of the commission at least ten days before the scheduled date of the meeting, and notice of any special meeting shall state the specific matters to be

considered in the special meeting which is not a regular quarterly meeting. A quorum of the commission shall consist of [five] **four** members.

5. Each member of the commission shall be entitled to a per diem allowance of fifty dollars for each meeting of the commission at which the member is present **and shall be entitled to reimbursement of expenses necessarily incurred in the discharge of official duties.** Each member of the commission shall be entitled to reimbursement of travel expenses necessarily incurred in attending meetings of the commission.

339.511. 1. [There shall be two classes of certification for certified real estate appraisers as follows:

(1) The state certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification related solely to the appraisal of residential real estate of one to four single-family dwelling units; and other real estate including real estate used in the production of farm products, unless the nature or the size and complexity of the appraisal require a state certified general real estate appraiser as determined by the commission or federal law;

(2) The state certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification related to the appraisal of all types of real estate.

2. There shall be one class of state licensed real estate appraisers, which shall consist of those persons who shall meet the requirements for licensure related to the appraisal of residential real estate of one to four single-family dwelling units and other real estate including real estate used in the production of farm products, with a value of less than one million dollars, unless the nature or the size and complexity of the appraisal require a state certified real estate appraiser as determined by the commission or federal law.] **Persons desiring to obtain licensure as a state-licensed real estate appraiser or certification as a certified residential or certified general real estate appraiser shall make written application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualification for licensure or certification and present to the commission satisfactory proof that they are a person of good moral character and bear a good reputation for honesty, integrity and fair dealing.**

2. Each applicant for licensure as a state-licensed real estate appraiser shall have demonstrated the possession of the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by:

(1) Having satisfactorily completed commission-approved courses of instruction in real estate appraisal principles and practices consisting of at least the number of hours that meet the minimum criteria of the appraisal qualifications board but no less than the number of hours prescribed by the commission; and

(2) Presenting evidence satisfactory to the commission of experience in real estate appraising; and shall satisfy such additional qualifications as may be imposed by the commission by rule, not inconsistent with any requirements imposed by the appraisal qualifications board; or

(3) Possessing education or experience which is found by the commission in its discretion to be the equivalent of the above requirements.

3. Each applicant for certification as a state-certified residential real estate appraiser shall have demonstrated the possession of the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by:

(1) Having satisfactorily completed commission-approved courses of instruction in real estate appraisal principles and practices consisting of at least the number of hours that meet the minimum criteria of the appraisal qualifications board but no less than the number of hours prescribed by the commission;

(2) Presenting evidence satisfactory to the commission of experience in real estate appraising within the five-year period immediately preceding the date application is made, and over a period of at least twenty-four months; and

(3) Satisfying such additional qualifications as may be imposed by the commission by rule, not inconsistent with any requirements imposed by the appraisal qualifications board; or

(4) Possessing education or experience which is found by the commission in its discretion to be the equivalent of the above requirements.

4. Each applicant for certification as a state-certified general real estate appraiser shall have demonstrated the possession of the knowledge and competence necessary to perform appraisals of all types of real estate by:

(1) Having satisfactorily completed commission-approved courses of instruction in general real estate appraisal practices consisting of the number of hours that meet the minimum criteria of the appraisal qualifications board but not less than the number of hours prescribed by the commission; and

(2) Presenting evidence satisfactory to the commission of experience in real estate appraising within the five-year period immediately preceding the date application is made, and over a period of at least twenty-four months, fifty percent of which must be in appraising nonresidential real estate; and

(3) Satisfying such additional qualifications as may be imposed by the commission by rule, not inconsistent with any requirements imposed by the appraisal qualifications board; or

(4) Possessing education or experience which is found by the commission in its discretion to be the equivalent of the above requirements.

5. Persons who have received certification after March 1991, or who have a state license or certificate to engage in business as a real estate appraiser issued by the commission, shall be entitled to and shall receive the same such license or certificate from the commission as they are then holding without further education, experience, examination or application fee. However, those persons holding a state license or certificate, on the effective date of this act, shall be required to meet all continuing education requirements prescribed by the commission.

339.515. 1. An original certification as a state certified real estate appraiser [shall] **may** be issued to any person who meets the **qualification** requirements [of subsection 1 or 2 of section 339.517] **for licensure or certification** and who has achieved a passing grade upon a written examination which is consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the appraiser qualifications board of the appraisal foundation.

2. An original license as a state licensed real estate appraiser [shall] **may** be issued to any person who meets the **qualification** requirements [of subsection 3 or 4 of section 339.517] **for licensure or certification** and who has achieved a passing grade upon a written examination established and administered by the commission that is based upon forty-five classroom hours of appraisal study and is designed to test an individual's knowledge of the basic principles of land economics, the basic principles of real estate appraising, the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation, and the provisions of sections 339.500 to [339.545] **339.549**.

3. If an applicant is not certified or licensed within three years after passing an examination given pursuant to the provisions of this section, he shall be required to retake the examination prior to certification or licensure.

4. An applicant who has failed an examination taken pursuant to this section may apply for reexamination by submitting an application with the appropriate examination fee within ninety days after the date of having last taken and failed the examination.

339.517. 1. Any person who files with the commission an application for state licensure or certification as a real estate appraiser shall be required to pass an examination to demonstrate his competence. The commission shall also make such investigation as is required to verify such qualifications. If the results of the investigation shall be satisfactory to the commission and the applicant is otherwise qualified, then the commission shall issue to

the applicant a license or certificate authorizing the applicant to act as a state-licensed real estate appraiser or a state certified real estate appraiser in Missouri. If, the results of the investigation shall be unsatisfactory, action on the application may be deferred pending a hearing before the real estate appraisal commission. [As a prerequisite to receiving a general certification, an applicant shall present evidence satisfactory to the commission that he has two years of real estate appraisal experience, acquired within a period of five years immediately preceding the filing of the application for certification, or the equivalent thereof, and:

(1) Has successfully completed not less than one hundred fifty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

2. As a prerequisite to receiving a residential certification, an applicant shall present evidence satisfactory to the commission that he has two years of real estate appraisal experience, acquired within a period of five years immediately preceding the filing of the application for certification, or the equivalent thereof, and:

(1) Has successfully completed not less than sixty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

3. As a prerequisite to receiving a license, an applicant shall present evidence satisfactory to the commission that he:

(1) Has successfully completed not less than thirty classroom hours of academic instruction in subjects related to real estate appraisal from a nationally recognized appraisal organization or real estate organization or an agency of the state or federal government or a college or university or other qualified provider approved by the commission; and

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545.

4. Until July 1, 1991, the commission may waive the requirements of subdivision (1) of subsection 3 of this section relating to the successful completion of thirty classroom hours of academic instruction in subjects related to real estate appraisal if an applicant:

(1) Submits evidence satisfactory to the commission that he has a minimum of five years of real estate appraisal experience within a period of seven years immediately preceding the date of application;

(2) Has successfully completed fifteen classroom hours of instruction relating to standards of professional practice and the provisions of sections 339.500 to 339.545; and

(3) Passes the examination administered by the commission that satisfies the requirements of subsection 2 of section 339.515. Any license issued pursuant to the provisions of this subsection shall be temporary in nature, and shall be conditioned on the completion, within eighteen months of issuance of the license, of the requirements of subdivision (1) of subsection 3 of this section. Any license issued pursuant to the provisions of this subsection shall be revoked by the commission eighteen months after issuance of the license unless the holder of the license presents evidence satisfactory to the commission of the completion of the requirements of subdivision (1) of subsection 3 of this section.]

[5.] **2.** The commission shall promulgate and adopt regulations which prescribe and define the subjects related to real estate appraisal and the experience in real estate appraisal that will satisfy the **qualification** requirements [of subsections 1, 2 and 3 of this section] **for licensure or certification.** The commission [shall] **may** approve courses of

instruction in an accredited college or university relating to the appraisal of real estate and related disciplines including, but not limited to, economics, finance, statistics, principles of capitalization, real estate and such other areas deemed relevant by the commission. The commission [shall] **may** also approve similar courses of instruction offered by recognized professional appraisal organizations and real estate organizations and agencies of the state and federal government, and other qualified providers which may be approved by the commission.

[6.] **3.** Each applicant for certification or licensure [pursuant to subsection 4 of this section] shall furnish under oath a detailed statement of the real estate appraisal assignments or file memoranda for each year in which real estate appraisal experience is claimed by the applicant. Upon request, the applicant shall furnish to the commission a sample of appraisal reports or file memoranda which the applicant has prepared in the course of his appraisal practice.

339.519. **1.** The term of [a] **an original** certificate or license issued under this act shall be [three years from the date of issuance] **for a period specified by the commission. All certificates and licenses shall be for a period of one year.** The expiration date of the certificate or license shall appear on the certificate or license and no other notice of its expiration need be given to its holder.

2. The commission shall require every state certified or licensed real estate appraiser to provide satisfactory evidence of the completion of the required continuing education hours as promulgated by the appraiser qualifications board. The commission may waive the requirements of continuing education for retired or disabled licensed or certified appraisers or for other good cause.

339.523. **1.** A nonresident of this state who has complied with the provisions of sections **339.511**, 339.513, 339.515 and 339.517 or section 339.521 may obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser by conforming to all of the provisions of sections 339.500 to [339.545] **339.549** relating to state certified real estate appraisers or state licensed real estate appraisers.

2. Every applicant for certification or licensure under this act who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process in any action against the applicant arising out of the applicant's activities as a state certified real estate appraiser or state licensed real estate appraiser may be made by delivery of the process to the executive director of the commission, if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant. The executive director shall immediately mail a copy of the materials served on the executive director by ordinary mail to the state certified real estate appraiser or state licensed real estate appraiser at both his principal place of business and his residence address.

339.525. **1.** To obtain a renewal certificate or license, a state certified real estate appraiser or state licensed real estate appraiser shall make application and pay the prescribed fee to the commission not earlier than one hundred twenty days nor later than thirty days prior to the expiration date of the certificate or license then held. With the application for renewal, the state certified real estate appraiser or state licensed real estate appraiser shall present evidence in the form prescribed by the commission of having completed the continuing education requirements for renewal specified in section 339.530.

2. If the commission determines that a state certified real estate appraiser or state licensed real estate appraiser has failed to meet the requirements for renewal of certification or licensure through mistake, misunderstanding, or circumstances beyond his control, the commission may extend the term of the certificate or license for good cause shown for a period not to exceed six months, upon payment of a prescribed fee for the extension.

3. If a state certified real estate appraiser or state licensed real estate appraiser satisfies the requirements for renewal during the extended term of certification or licensure, the beginning date of the new renewal certificate or license shall be the day following the expiration of the certificate or license previously held by the state certified real estate appraiser or state licensed real estate appraiser.

4. If a state certified real estate appraiser or state licensed real estate appraiser fails to renew his certification or license prior to its expiration or within a period of extension granted by the commission pursuant to this section, the person may obtain a renewal certificate or license by satisfying all of the requirements for renewal and paying a late renewal fee.

5. If a state certified real estate appraiser or state licensed real estate appraiser fails to submit an application and fees within thirty days of expiration of the certificate or license, the commission shall notify the state certified real estate appraiser or state licensed real estate appraiser that the application and fees have not been received and that his failure to respond within ten days will result in the certificate or license being placed in non-current status and the licensee becoming subject to disciplinary proceedings up to and including revocation. The notification required by this subsection shall be by certified mail, return receipt requested, to the state certified real estate appraiser's or state licensed real estate appraiser's last known business and residence addresses. If the application and fees are not received within ten days after the return receipt is received, the certificate or license shall be placed to non-current status. The commission shall give notice to the state certified real estate appraiser or state licensed real estate appraiser of the placement of the certificate or license to non-current status by certified mail, return receipt requested, at his last known business and residence addresses.

6. If a person is otherwise eligible to renew his certificate or license, he may renew an expired certificate or license within one year from the date of expiration. To renew such expired certificate or license, the person shall submit an application for renewal, pay the renewal fee, pay a delinquent renewal fee and pay a penalty fee as established by the commission. Upon a finding of extenuating circumstances, the commission may waive the payment of the penalty fee; however, nothing in this section shall be construed as requiring such waiver. If more than one year has lapsed since the date the certificate or license expired, the certificate or license may not be renewed. The holder of such expired certificate or license must apply under the procedures for a new certificate or license pursuant to sections 339.500 to 339.549.

339.529. 1. Each state certified real estate appraiser and state licensed real estate appraiser shall advise the commission of the address of his principal place of **residence**, business and all other addresses at which he is currently engaged in the business of preparing real property appraisal reports.

2. Whenever a state certified real estate appraiser or state licensed real estate appraiser changes the location of his place of business, he shall amend the certificate or license issued by the commission to reflect the change and shall [immediately] give written notification of the change to the commission **within ten working days of the change**.

3. [Each] **Whenever** a state certified real estate appraiser [and] **or** state licensed real estate appraiser **changes the location of his residence**, he shall notify the commission of [his current] **the new** residence address **within ten working days of the change**.

339.532. 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to [339.545] **339.549** for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of [his] **the** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any state certified real estate appraiser, state licensed real estate appraiser, or any person who has failed to renew or has surrendered his certificate or license for any one or any combination of the following causes:

(1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;

(2) Failing to meet the minimum qualifications for certification or licensure or renewal established by this sections 339.500 to [339.545] **339.549**;

(3) Paying money or other valuable consideration, other than as provided for by section 339.513, to any member or employee of the commission to procure a certificate or license under sections 339.500 to [339.545] **339.549**;

(4) [A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is

substantially related to the qualification, functions, and duties of a person developing real estate appraisals for others] **The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;**

(5) [An act or omission involving] **Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation [with the intent to injure substantially another person] in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;**

(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.545;

(7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;

(8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(10) **Violating, assisting or enabling any person to willfully [disregarding or violating] disregard any of the provisions of sections 339.500 to [339.545] 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to [339.545] 339.549;**

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;

(12) Violating the confidential nature of governmental records to which he gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;

(13) Violating any term or condition of a certificate or license issued by the commission under authority of sections 339.500 to [339.545.] **339.549;**

(14) Violation of any professional trust or confidence;

(15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice under sections 339.500 to 339.549;

(17) Disciplinary action against the holder of a certificate or license by another state, territory or the federal government or an agency thereof shall be grounds for discipline in Missouri;

(18) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this

section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license revoked pursuant to this section may not obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser for at least five years after the date of revocation.

4. A certification of a state certified real estate appraiser or a license of a state licensed real estate appraiser that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person may not obtain certification as a state certified real estate appraiser or licensure as a state licensed real estate appraiser subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.

339.545. The commission shall take such action as is necessary to be able to issue general certificates, residential certificates and licenses to qualified persons by no later than [February 1, 1991] **July 1, 1997**.

339.546. Any person or corporation knowingly violating any provision of sections 339.500 to 339.549 shall be guilty of a class B misdemeanor. Any officer or agent of a corporation, or member or agent of a partnership or association, who shall knowingly and personally participate in or be an accessory to any violation of sections 339.500 to 339.549, shall be guilty of a class B misdemeanor. This section shall not be construed to release any person from civil liability or criminal prosecution under any other law of this state. The commission may cause complaint to be filed for violation of section 339.501 in any court of competent jurisdiction, and perform such other acts as may be necessary to enforce the provisions hereof.

339.549. 1. It shall be unlawful for any person not certified or licensed under sections 339.500 to 339.549 to perform any act for which certification or license is required. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate or license is required by sections 339.500 to 339.549 upon a showing that such acts or practices were performed or offered to be performed without a certificate or license; or

(2) Engaging in any practice or business authorized by a certificate or license issued pursuant to sections 339.500 to 339.549 upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the certificate holder or licensee.

2. Any such action shall be commenced in the county in which such conduct occurred or in the county to which the defendant resides.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter."; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Quick assumed the Chair.

At the request of Senator Scott, **SB 821**, with **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HR 840**.

HOUSE RESOLUTION NO. 840

BE IT RESOLVED, that the following be elected a permanent officer of the House of Representatives of the Eighty-eighth General Assembly by acclamation, effective upon the resignation of the current Chief Clerk.

Chief Clerk Anne Walker

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SB 676**: Representatives Smith, Sears (1), Crum (112), Ross, Pouche.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 676**: Senators Quick, DePasco, Caskey, Singleton and Treppner.

BILLS DELIVERED TO THE GOVERNOR

SB 484; SB 497; SB 501; SB 522; SB 532; SB 582; SB 605; SB 665; SB 720; SB 721; SCS for SB 806; SB 818; SB 826; HCS for SB 870; SB 874; SCS for SB 896; SCS for SB 916; and SB 945, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

On motion of Senator Banks, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

HOUSE BILLS ON THIRD READING

HB 1304, with **SCS**, introduced by Representative Hosmer, entitled:

An Act to amend chapter 190, RSMo, relating to emergency telephone services by adding thereto one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Westfall.

SCS for **HB 1304**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1304

An Act to amend chapter 190, RSMo, relating to emergency telephone services by adding thereto one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **HB 1304** be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS** for **HB 1304** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Flotron
Goode	Scott	Treppler--7	

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 791, with **SCA 1**, introduced by Representatives Ross and Lograsso, entitled:

An Act to repeal section 167.161, RSMo Supp. 1995, relating to school hearings, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Moseley.

SCA 1 was taken up.

Senator Moseley requested unanimous consent of the Senate to delete the words: "suspension or" from **SCA 1**, which request was granted.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **HB 791**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
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Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Scott--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

HB 823, introduced by Representative Barnett, entitled:

An Act to authorize the governor to convey certain land of Northwest Missouri State University to the Northwest Foundation, Inc.

Was called from the Consent Calendar and taken up by Senator Graves.

On motion of Senator Graves, **HB 823** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Clay	Curls	Scott--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1541, introduced by Representative Hagan-Harrell, entitled:

An Act to repeal sections 104.090 and 104.460, RSMo 1994, relating to the Missouri state employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 1541** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Clay	Lybyer	Staples--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

Senator Staples resumed the Chair.

HB 1117, introduced by Representative Green, entitled:

An Act relating to the leasing of certain property of the division of youth services.

Was called from the Consent Calendar and taken up by Senator Schneider.

On motion of Senator Schneider, **HB 1117** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Bentley	Scott--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HB 1431, introduced by Representatives Shields and Hegeman, entitled:

An Act relating to the conveyance of certain real property of the state of Missouri located in Buchanan County.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 1431** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Bentley	Scott--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1346, introduced by Representative VanZandt, et al, entitled:

An Act to repeal section 70.500, RSMo Supp. 1995, relating to the Kansas and Missouri Metropolitan Culture District Compact, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Wiggins.

On motion of Senator Wiggins, **HB 1346** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples	Treppler	Westfall	Wiggins--32
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Nays--Senators--None

Absent--Senators

Bentley	Melton--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Bentley	Melton--2
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Absent with leave--Senators--None

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Scott moved that motion lay on the table, which motion prevailed.

HB 1404, introduced by Representative O'Toole, et al, entitled:

An Act to repeal sections 87.130, 87.205, 87.220 and 87.235, RSMo 1994, relating to firemen's retirement and relief systems in certain cities, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Scott.

On motion of Senator Scott, **HB 1404** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HS for **HCS** for **HB 980**, introduced by Representative Farnen, entitled:

An Act to repeal sections 172.035, 172.070 and 174.055, RSMo 1994, relating to the attendance at the governing board meetings of institutions of higher education, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **HS** for **HCS** for **HB 980** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Treppler moved that motion lay on the table, which motion prevailed.

HB 1248, with **SCA 1**, introduced by Representative Scheve, entitled:

An Act to repeal section 12.027, RSMo 1994, relating to public lands, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Treppler.

SCA 1 was taken up.

Senator Treppler moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Treppler, **HB 1248**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 766, introduced by Representative Clayton, entitled:

An Act to repeal section 190.309, RSMo Supp. 1995, relating to certain telephone emergency service, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 766** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senator Quick--1

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators--None

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 1355, with **SCA 1**, introduced by Representative O'Toole, et al, entitled:

An Act to repeal sections 105.665, 105.670 and 105.675, RSMo 1994, relating to certain retirement plans, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Moseley.

SCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **HB 1355**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1554, with **SCA 1**, introduced by Representative Richardson, entitled:

An Act to repeal section 482.330, RSMo 1994, relating to small claims court, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

SCA 1 was taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Ehlmann, **HB 1554**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

HB 1359, with **SCA 1**, introduced by Representative Green, entitled:

An Act to repeal section 37.005, RSMo 1994, relating to the disposition of state property, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Schneider.

SCA 1 was taken up.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Schneider, **HB 1359**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Lybyer--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

President Wilson resumed the Chair.

HB 1566, introduced by Representatives Richardson and Treadway, entitled:

An Act to repeal section 332.072, RSMo Supp. 1995, relating to certain services performed by dental hygienists, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 1566** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Moseley	Mueller
Quick	Russell	Schneider	Scott
Singleton	Staples	Westfall	Wiggins--24

Nays--Senators

Bentley	Clay	Graves	Howard
Maxwell	Rohrbach	Sims	Treppler--8

Absent--Senators

Goode	Melton--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 1110, with **SCA 1**, introduced by Representative Treadway, entitled:

An Act to repeal sections 326.060, 326.130, 326.200 and 326.210, RSMo 1994, relating to the licensing of public accountants, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Moseley.

SCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **HB 1110**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Sims--1

Absent--Senator Howard--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

HB 1286, introduced by Representative Pryor, et al, entitled:

An Act to repeal section 473.740, RSMo Supp. 1995, relating to salaries for public administrators, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Russell.

On motion of Senator Russell, **HB 1286** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

House Russell--2

Absent--Senator Lybyer--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1400, with **SCA 1**, introduced by Representative Lumpe, entitled:

An Act to repeal sections 103.008, 103.079 and 103.158, RSMo 1994, and section 103.003, RSMo Supp. 1995, relating to the health plan for state employees, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **HB 1400**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Rohrbach--1

Absent--Senator Melton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

Senator Staples resumed the Chair.

HB 1208, introduced by Representative Backer, entitled:

An Act to amend chapter 105, RSMo, relating to state employees by adding thereto one new section for the purpose of establishing a state employees flexible benefit program.

Was called from the Consent Calendar and taken up by Senator Johnson.

On motion of Senator Johnson, **HB 1208** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Klarich moved that motion lay on the table, which motion prevailed.

HB 1523, with **SCS**, introduced by Representative Linton, entitled:

An Act to amend chapter 610, RSMo, relating to governmental records by adding thereto one new section, relating to certain public school records.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCS for **HB 1523**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1523

An Act to amend chapter 610, RSMo, relating to governmental records by adding thereto one new section, relating to certain public school records.

Was taken up.

Senator Klarich moved that **SCS** for **HB 1523** be adopted, which motion prevailed.

On motion of Senator Klarich, **SCS** for **HB 1523** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Banks--1

Absent--Senator Quick--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Mueller moved that motion lay on the table, which motion prevailed.

HB 1166, introduced by Representatives McClelland and Days, entitled:

An Act to repeal section 161.415, RSMo 1994, relating to scholarships, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mueller.

On motion of Senator Mueller, **HB 1166** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HCS for **HB 895** and **HB 986**, with **SCS**, introduced by Representative Luetkenhaus, entitled respectively:

An Act to repeal sections 302.175, 302.272 and 304.075, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

And

An Act to repeal section 302.272, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof one new section relating to the same subject.

Were called from the Consent Calendar and taken up by Senator Ehlmann.

SCS for **HCS** for **HB 895** and **HB 986**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 895 AND

HOUSE BILL 986

An Act to repeal sections 302.175, 302.272 and 304.075, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Ehlmann moved that **SCS** for **HCS** for **HB 895** and **HB 986** be adopted, which motion prevailed.

On motion of Senator Ehlmann, **SCS** for **HCS** for **HB 895** and **HB 986** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott

Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator McKenna moved that motion lay on the table, which motion prevailed.

HB 929, introduced by Representative Auer, entitled:

An Act to repeal section 435.350, RSMo 1994, relating to arbitration, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator McKenna.

On motion of Senator McKenna, **HB 929** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

HB 1123, introduced by Representative Mays (50), et al, entitled:

An Act to repeal section 23.140, RSMo 1994, relating to the oversight division of the committee on legislative research, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

On motion of Senator DePasco, **HB 1123** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Clay	Curls	DePasco
Ehlmann	Flotron	Graves	House
Johnson	Kenney	Klarich	Lybyer
Mathewson	McKenna	Mueller	Rohrbach
Russell	Scott	Sims	Staples
Treppler	Westfall	Wiggins--23	

Nays--Senators

Banks	Caskey	Goode	Howard
Kinder	Maxwell	Melton	Moseley
Quick	Singleton--10		

Absent--Senator Schneider--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 1260, introduced by Representative Lumpe, entitled:

An Act to repeal section 640.100, RSMo Supp. 1995, relating to the safe drinking water commission, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **HB 1260** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Ehlmann	Flotron
Goode	House	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--25

Nays--Senators

Caskey	Clay	Curls	DePasco
Graves	Howard	Kinder	Melton

Rohrbach--9

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

HB 1097, with **SCS**, introduced by Representative Hosmer, et al, entitled:

An Act relating to the provisions of emergency response services.

Was called from the Consent Calendar and taken up by Senator Bentley.

SCS for **HB 1097**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1097

An Act to repeal section 190.305, RSMo 1994, relating to emergency response services, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 1097** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HB 1097** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 1473, introduced by Representative Shear, entitled:

An Act to repeal section 334.040, as enacted by house bill no. 590 in the eighty- seventh general assembly and section 334.046, RSMo 1994, relating to physicians and surgeons, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **HB 1473** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Rohrbach

Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators

House	Howard	Mueller--3
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Absent--Senators

Bentley	Clay--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Moseley	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

House	Howard	Melton	Mueller
Russell--5			

Absent--Senators

Bentley	Lybyer--2
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Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 1619, introduced by Representative McClelland, et al, entitled:

An Act to repeal sections 455.030, 455.035, and 455.510, RSMo 1994, and sections 455.010, 455.501, 455.513, and 487.030, RSMo Supp. 1995, relating to domestic relations, and to enact in lieu thereof seven new sections relating to the same subject, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Moseley.

On motion of Senator Moseley, **HB 1619** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senator Klarich--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Klarich--1

Absent--Senator Lybyer--1

Absent with leave--Senators--None

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Staples resumed the Chair.

HB 1093, with **SCA 1**, introduced by Representative Foley, entitled:

An Act to repeal section 321.610, RSMo Supp. 1995, relating to certain fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Klarich.

SCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Klarich, **HB 1093**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators

Graves Kenney--2

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

HB 1460, with **SCA 1**, introduced by Representatives Wiggins and Nordwald, entitled:

An Act to repeal section 190.335, RSMo 1994, relating to central dispatching and emergency services, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

SCA 1 was taken up.

Senator House moved that the above amendment be adopted, which motion prevailed.

On motion of Senator House, **HB 1460**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Banks	Melton--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1504, introduced by Representatives Schwab and Kasten, entitled:

An Act to repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 1504** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Banks	Scott--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

HB 1221, introduced by Representative Farnen, entitled:

An Act to repeal section 54.160, RSMo 1994, relating to certain county officials, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1221** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson

Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Goode	Lybyer--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HB 937, with **SCA 1**, introduced by Representative Marshall (26), entitled:

An Act to repeal section 226.550, RSMo 1994, relating to certain permit fees for outdoor advertising, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Mathewson.

SCA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Mathewson, **HB 937**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay Goode--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Westfall moved that motion lay on the table, which motion prevailed.

HB 1223, with **SCAs 1** and **2**, introduced by Representative Marshall (133), et al, entitled:

An Act to repeal section 144.069, RSMo 1994, relating to sales taxes on motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Westfall.

SCA 1 was taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Westfall, **HB 1223**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Russell moved that motion lay on the table, which motion prevailed.

HB 1441, introduced by Representatives Ross and Lakin, entitled:

An Act to repeal section 302.272, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Russell.

President Pro Tem Mathewson resumed the Chair.

On motion of Senator Russell, **HB 1441** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Quick--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Russell, title to the bill was agreed to.

Senator Russell moved that the vote by which the bill passed be reconsidered.

Senator Kinder moved that motion lay on the table, which motion prevailed.

HB 1315, introduced by Representative Schwab, entitled:

An Act to repeal section 302.181, RSMo 1995, relating to motor vehicle operator licenses, and to enact in lieu thereof one new section relating to the same subject, with an effective date.

Was called from the Consent Calendar and taken up by Senator Kinder.

On motion of Senator Kinder, **HB 1315** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senator Graves--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

HB 1601, with **SCA 1**, introduced by Representative Backer, entitled:

An Act relating to the conveyance of certain property in Callaway County to the city of Fulton.

Was called from the Consent Calendar and taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 1601**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senator House--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1086, with **SCA 1**, introduced by Representative Fiebelman, entitled:

An Act to repeal section 574.085, RSMo 1994, relating to crimes and punishment, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 1086**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick

Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1168, with **SCAs 1** and **2**, introduced by Representative Crum, et al, entitled:

An Act relating to Missouri's peace officers memorial day.

Was called from the Consent Calendar and taken up by Senator Lybyer.

SCA 1 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Lybyer, **HB 1168**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Staples resumed the Chair.

HB 1171, introduced by Representative Tate, entitled:

An Act to repeal section 620.158, RSMo 1994, relating to the Missouri rural economic development council, and to enact in lieu thereof one new section relating to the same subject, with an expiration date.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1171** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Treppler	Wiggins--30		
	Nays--Senators		
Melton	Rohrbach	Singleton	Westfall--4
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1440, introduced by Representative Backer, entitled:

An Act to repeal section 351.267, RSMo 1994, relating to certain telephone companies, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1440** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Mueller--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1419, introduced by Representative Backer, entitled:

An Act relating to the conveyance of certain real property of the state of Missouri located in Callaway County.

Was called from the Consent Calendar and taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1419** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1369, with **SCS**, introduced by Representative Thomason, entitled:

An Act to repeal section 304.022, RSMo Supp. 1995, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Howard.

SCS for **HB 1369**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1369

An Act to repeal section 304.022, as enacted by conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047, eighty-eighth general assembly, second regular session, and signed by the governor on March 13, 1996, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **HB 1369** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **HB 1369** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator House moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

HB 941, introduced by Representative Smith, entitled:

An Act to repeal section 456.232, RSMo 1994, relating to trusts and trustees, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator House.

On motion of Senator House, **HB 941** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 819, introduced by Representative Backer, entitled:

An Act relating to Southern Regional Emergency Management Compact.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 819** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Flotron	Graves	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Quick	Russell	Scott
Sims	Staples	Treppler	Westfall

Wiggins--21

Nays--Senators

Curls	Ehlmann	Goode	House
Howard	Kenney	Kinder	Klarich
Melton	Mueller	Rohrbach	Schneider

Singleton--13

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

HB 1217, introduced by Representatives Shear and Green, entitled:

An Act to repeal section 376.893, RSMo 1994, relating to a certain health insurance coverage, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **HB 1217** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator House--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

HB 1466, with **SCS**, introduced by Representatives Rizzo and Mays, entitled:

An Act to repeal section 144.030, RSMo Supp. 1995, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator DePasco.

SCS for **HB 1466**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1466

An Act to repeal section 144.030, RSMo Supp. 1995, relating to sales tax exemptions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Scott assumed the Chair.

Senator DePasco moved that **SCS** for **HB 1466** be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **HB 1466** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer

Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators

Clay	Schneider	Staples--3
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Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Wiggins moved that motion lay on the table, which motion prevailed.

HB 956, with **SCA 1**, introduced by Representative Van Zandt, entitled:

An Act to repeal section 89.090, RSMo 1994, relating to certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Wiggins.

President Pro Tem Mathewson resumed the Chair.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **HB 956**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler

Westfall Wiggins--34

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HB 1469, with **SCS**, introduced by Representative Skaggs, entitled:

An Act to repeal section 140.190, RSMo 1994, relating to bidding at a sale of land for delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Quick.

SCS for **HB 1469**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1469

An Act to repeal sections 110.130, 110.140, 110.150, 140.170, 140.190 and 140.405, RSMo 1994, relating to county government, and to enact in lieu thereof six new sections relating to the same subject.

Was taken up.

Senator Quick moved that **SCS** for **HB 1469** be adopted.

Senator Quick requested unanimous consent of the Senate to offer a perfecting amendment, which request was granted.

Senator Quick offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1469, Page 2, Section 110.140, Lines 6-7, by striking "two" from each said lines and inserting in lieu thereof the following: "two **or**"; and

Further amend said bill, page 3, section 110.150 line 2, by inserting after the word "every" the words "**second or**".

Senator Quick moved that the above perfecting amendment be adopted, which motion prevailed.

Senator Quick moved that **SCS** for **HB 1469**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HB 1469**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Rohrbach--1

Absent--Senator Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

Senator Staples resumed the Chair.

HB 1598, introduced by Representative Hosmer, entitled:

An Act to repeal section 409.407, RSMo Supp. 1995, relating to the secretary of state's investor education fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Goode.

On motion of Senator Goode, **HB 1598** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach

Russell	Schneider	Scott	Sims
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Singleton--1

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Ehlmann moved that motion lay on the table, which motion prevailed.

HB 1379, with **SCS**, introduced by Representative Gross, et al, entitled:

An Act relating to certain operations of government.

Was called from the Consent Calendar and taken up by Senator Ehlmann.

SCS for **HB 1379**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1379

An Act relating to certain operations of government.

Was taken up.

Senator Ehlmann moved that **SCS** for **HB 1379** be adopted, which motion prevailed on a standing division vote.

On motion of Senator Ehlmann, **SCS** for **HB 1379** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Mueller--1

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 1610, introduced by Representative Farnen, entitled:

An Act to repeal section 537.115, RSMo 1994, relating to food donations and distribution, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Moseley.

On motion of Senator Moseley, **HB 1610** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1477, introduced by Representative Days, et al, entitled:

An Act to repeal sections 115.611 and 115.613, RSMo 1994, relating to elections, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up by Senator Moseley.

On motion of Senator Moseley, **HB 1477** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1076, introduced by Representatives Childers and Hosmer, entitled:

An Act to amend chapter 9, RSMo, relating to public holidays, by adding thereto one new section relating to Pearl Harbor Remembrance Day.

Was called from the Consent Calendar and taken up by Senator Melton.

On motion of Senator Melton, **HB 1076** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

HB 1604, with **SCA 1**, introduced by Representative Burton, et al, entitled:

An Act authorizing the governor to convey state property used as an armory by the Missouri National Guard located in Webb City.

Was called from the Consent Calendar and taken up by Senator Singleton.

SCA 1 was taken up.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Singleton, **HB 1604**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach

Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

HB 1131, with **SCA 1**, introduced by Representative Kreider, et al, entitled:

An Act relating to the civil air patrol.

Was called from the Consent Calendar and taken up by Senator Melton.

SCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Melton, **HB 1131**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Rohrbach--1

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 1185**--Education.

HS for **HB 839**--Labor and Industrial Relations.

HB 1411--Transportation.

RESOLUTIONS

Senator Lybyer offered Senate Resolution No. 1278, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Lock, Loose Creek, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Mathewson, the President introduced to the Senate, Jack Vaughn, Don Hofiens, Bob Berlin, Bill Trout and Warren Pruitt, Sedalia.

Senator Kinder introduced to the Senate, Brent Diecoff and seventh and eighth grade students from Salem Lutheran School, Farrar.

Senator Maxwell introduced to the Senate, Valerio DeAngelis, Italy; Ruby Allam, Egypt; Linda Madsen, Denmark; and J.C. Feger, Keith Beardslee, Summer Hildebrand, Ashley Edwards and Adrianna Mayson, Mexico.

Senator Rohrbach introduced to the Senate, Patsy Reed, Paul Bloch, Glenda Hainey and seventh grade students from St. Andrews School, Tipton; and George Pearson, Allison Williams, Ilea Rumans and Todd Foster were made honorary pages.

Senator Curls introduced to the Senate, Ms. Natasha Fokina, Ms. Lilya Gazizova, Ms. Rita Grigoreva, Mr. Dima Lebedev, and Mr. Serge Rabotyagov, Russia; Ms. Nadira Salikhodjaeva, Uzbekistan; Ms. Zhanna Saparova, Turkmenistan; Armando Espinoza, Costa Rica; and Maxine Girardin, Jean Groce, Cheryl Heldt and Jeanette Phillips, Kansas City.

Senator Moseley introduced to the Senate, Eileen Westveer, Marilyn Relles, Laurie West and twenty students from Small World Child Development Center, Columbia.

Senator Johnson introduced to the Senate, Rita Rhoads, Judie Purvis and Julie Thomas, Tracy.

Senator Bentley introduced to the Senate, Donna Bruns and twenty-six members of the Foster Grandparents Program from Greene, Dade and Polk Counties.

Senator Russell introduced to the Senate, Lee Eaton and sixty seventh grade students from Joel E. Barber School, Lebanon; and Curtis Bumgardner, Trina Garms, Sue Ellen Sheets and Joel Tapp were made honorary pages.

Senator Singleton introduced to the Senate, Kim Reynolds, Bill Meyer, Linda Martin, Sandra Cantrell, David Vailes, Christine Smith, Rebecca Thomas, Sondra Wise, Emily Taylor, Neosho; and David, Christine, Rebecca, Sondra and Emily were made honorary pages.

Senator Kenney introduced to the Senate, Bev Miller and eighty fifth grade students from Franklin Smith Elementary School, Blue Springs.

Senator Schneider introduced to the Senate, thirty eighth grade students from St. Dismas School, Florissant; and Elizabeth Rechten, Lauren Finley, David Hagston and Cara McOwan were made honorary pages.

Senator Melton introduced to the Senate, seventy-five fourth grade students from Cassville Elementary School, Cassville.

Senator Moseley introduced to the Senate, Blake and Mark Danuser, Columbia.

Senator Kenney introduced to the Senate, Bethany and Erin Owens, Blue Springs; and Bethany and Erin were made honorary pages.

Senator Kenney introduced to the Senate, eighty-three students from Cordill-Mason Elementary School, Blue Springs; and Alex Robichaud, Kevin Duffie, Katie Piedimonte and Jessica Bowen were made honorary pages.

Senator Singleton introduced to the Senate, Betty and Herb Siskowski, Joplin.

Senator Mueller introduced to the Senate, students from Ste. Genevieve Dubois School, Ste. Genevieve; and Kevin Gates, Laura Gallaher, Lauren Yung and Adam Gardner were made honorary pages.

Senator Rohrbach introduced to the Senate, Sam Phillips and Bill True, Jefferson City; and Ole Matias Gulseth, Hilde M. Gauslaa, Anita Ramtoft, Karl Stromdal and Oistein Aarnes, Norway.

Senator Howard introduced to the Senate, Marian Bock, New Madrid.

On behalf of Senator Moseley and herself, Senator Sims introduced to the Senate, Cindy Palmer, Pam Meisenheimer and a delegation from the Heart of Missouri Girl Scouts, Columbia; and Stephanie and Charles Gerhart, Heidi Rahm and Tessa Bernhardt were made honorary pages.

Senator Staples introduced to the Senate, Jerry and Bernita Martin, and Terry and Linda Wilson, Ripley County.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIRST DAY--WEDNESDAY, APRIL 24, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we are thankful for our secretaries, the ones who do most of the work and get the least amount of praise. We get praise for what we do, but without our Moms, we wouldn't have grown up, without our spouses, we wouldn't be happy and without our secretaries, we couldn't function. We are thankful for these great people. Without You Lord, none of this would be possible. We are thankful. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1279

WHEREAS, the members of the Missouri Senate recognize the importance of athletics to the social and physical development of the youth of this state; and

WHEREAS, the young students who are members of the "Lady Bobcats" basketball team of Drexel, Missouri, have ample reason to celebrate upon the completion of the 1995-96 season; and

WHEREAS, the pride of Drexel High School, the Lady Bobcats basketball team ended the season with a perfect 31-0 record and earned distinction as Girls 1A State Basketball Champions; and

WHEREAS, during the Final Four Games held at the Hearn Center in Columbia on March 15-16, 1996, the Lady Bobcats soundly defeated Atlanta 67-57 during the semi-final game, and unequivocally conquered Gallatin 60-45 during the final game, two exciting matches in which the Drexel girls demonstrated their exceptional teamwork and remarkable confidence; and

WHEREAS, the Drexel Lady Bobcats enjoyed tremendous success due to the spectacular efforts of their Head Coach, Brent Bartlett, and Assistant Coach, Dennis Bolton, a talented coaching duo who displayed uncommon commitment to the development and success of the student athletes; and

WHEREAS, the achievements realized by the Drexel Lady Bobcats were the result of hard work and many hours of practice by team members Christi Russell, Amy Fink, Jenny Still, Amy Seuferling, BryAnn Cook, Adrienne Cook, Brooke Hettinger, Lindsay Mills, Tanya Bailey, Lesley Mayfield, and Stephany Dawson;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, unanimously join in extending robust congratulations to the 1995-96 Drexel High School Lady Bobcats for achieving the pinnacle of success to attain the honor of being the best 1A girls basketball team in the entire Show-Me State; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the 1A State Champions of Drexel High School.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**; **HB 974**, with **SCS**; **HB 1244**, with **SCS**; **HCS** for **HBs 800, 812, 817** and **821**, with **SCS**; and **HS** for **HB 832**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SS for **SB 981**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 981

An Act to repeal section 144.748, RSMo 1994, relating to use tax, and to enact in lieu thereof five new sections relating to the same subject, with an emergency clause and a termination date.

Was taken up.

On motion of Senator Goode, **SS** for **SB 981** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode

House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls	Graves--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Graves	McKenna--3
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Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Staples moved that motion lay on the table, which motion prevailed.

SCS for **SB 719**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 719

An Act to repeal sections 473.730, 473.733, 473.739, 473.747 and 475.050, RSMo 1994, and section 50.333, RSMo Supp. 1995, relating to public administrators, and to enact six new sections relating to the same subject.

Was taken up by Senator Staples.

On motion of Senator Staples, **SCS** for **SB 719** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Kenney	Rohrbach--2
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Absent--Senators

Curls	Graves--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Treppler moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 510**, introduced by Senator Treppler, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 510

An Act to repeal sections 302.191 and 302.292, RSMo 1994, and to enact in lieu thereof two new sections relating to the reporting and examination of impaired drivers for safety purposes, with penalty provisions and an effective date.

Was taken up.

Senator Quick assumed the Chair.

On motion of Senator Treppler, **SS** for **SCS** for **SB 510** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Johnson	Kinder
Klarich	Lybyer	Mathewson	McKenna
Moseley	Quick	Rohrbach	Schneider
Scott	Sims	Singleton	Staples
Treppler	Wiggins--26		

Nays--Senators

House	Howard	Kenney	Maxwell
Melton	Mueller	Russell	Westfall--8

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SCS for **SBs 597** and **729**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 597 and 729

An Act to amend chapters 376 and 379, RSMo, relating to the reorganization of certain mutual insurance companies by adding thereto thirteen new sections relating to the same subject.

Was called from the Informal Calendar and taken up by Senator McKenna.

Under the provisions of senate rule 90, Senator Moseley requested unanimous consent of the Senate to be excused from voting, which request was granted.

On motion of Senator McKenna, **SCS** for **SBs 597** and **729** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Caskey	Howard	Melton	Schneider--4
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Absent--Senators--None

Absent with leave--Senators--None

Excused from voting--Senator Moseley--1

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SB 903, introduced by Senator Clay, entitled:

An Act to repeal section 431.180, RSMo Supp. 1995, relating to certain construction agreements, and to enact two new sections relating to the same subject.

Was called from the Informal Calendar and taken up.

On motion of Senator Clay, **SB 903** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Wiggins--30		
	Nays--Senators		
Howard	Kinder	Westfall--3	
	Absent--Senators	Treppler--1	
	Absent with leave--Senators	None	

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 707**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 707**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 707

An Act to repeal sections 178.900, 178.910, 178.920 and 178.930, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **SB 707** be adopted.

Senator Schneider offered **SS** for **SCS** for **SB 707**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 707

An Act to repeal sections 178.900, 178.910, 178.920, 178.930, 178.940, 178.950 and 178.960, RSMo 1994, relating to sheltered workshops, and to enact in lieu thereof seven new sections relating to the same subject.

Senator Schneider moved that **SS** for **SCS** for **SB 707** be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SS** for **SCS** for **SB 707** and was joined in his request by Senators Klarich, Rohrbach, Sims and Staples.

Senator Johnson assumed the Chair.

SS for **SCS** for **SB 707** was adopted by the following vote:

Yeas--Senators

DePasco	Ehlmann	Goode	Graves
Howard	Kenney	Kinder	Lybyer
Maxwell	McKenna	Melton	Rohrbach
Schneider	Scott	Singleton	Staples
Westfall	Wiggins--18		

Nays--Senators

Banks	Bentley	Caskey	Curls
House	Johnson	Klarich	Mathewson
Moseley	Mueller	Quick	Russell
Sims	Treppler--14		

Absent--Senators

Clay	Flotron--2
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Absent with leave--Senators--None

At the request of Senator Caskey, **SS** for **SCS** for **SB 707** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1557** and **1489**, entitled:

An Act to repeal sections 57.080, 88.251, 115.123, 115.127, 115.132, 115.281, 115.300, 115.329, 115.333, 115.373, 115.385, 115.399, 115.401, 115.535, 115.611 and 115.613, RSMo 1994, and sections 115.125, 115.279 and 115.359, RSMo Supp. 1995, relating to election deadlines, and to enact in lieu thereof thirty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS No. 2** for **HCS** for **HB 1186**, entitled:

An Act to repeal sections 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.145, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245, 190.247, 354.400 and 354.535, RSMo 1994, and section 190.185, RSMo Supp. 1995, relating to emergency services, and to enact in lieu thereof thirty-one new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Quick.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1280, regarding Missouri Pachyderm Clubs, which was adopted.

Senator Mueller offered Senate Resolution No. 1281, regarding the Twentieth Anniversary of the St. Louis County Pachyderm Club, which was adopted.

Senator Kinder offered Senate Resolution No. 1282, regarding the Jackson High School Girls Basketball Team, which was adopted.

Senator Kinder offered Senate Resolution No. 1283, regarding Mr. Nick Elfrink, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 738**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Sims offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 738, Page 2, Section 376.1243, Lines 25-27, by striking all of said lines and inserting in lieu thereof the following:

"(6) "Ophthalmologist", a physician licensed pursuant to chapter 334, RSMo, who is a graduate of an ophthalmology training program accredited by the accreditation council for graduate medical education of the American Medical Association or who has been certified by the American Board of Ophthalmology and whose practice includes medical or surgical care of the eye and visual system and routine vision care;"; and further amend lines 37-40, by striking all of said lines and inserting in lieu thereof the following:

"(10) "Primary eye care", those health care services and materials for which a health benefit plan is obligated to pay for or provide to covered persons relating to medical or optometric care of the eye and related structures including routine vision care but excluding surgical care;"; and

Further amend said bill, page 2, section 376.1247, line 4, by inserting immediately after "providers" the following: **"in the health benefit plan"**; and further amend lines 6-8, by striking all of said lines; and

Further amend said bill and section, page 3, line 19, by inserting immediately after "person" the following: **"without cause"**; and further amend lines 20-22, by striking all of said lines; and

Further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill, page and section, line 25, by striking the word "guarantee" and inserting in lieu thereof the word **"provide"**; and further amend lines 27-29, by striking all of said lines and inserting in lieu thereof the following:

"(8) Allow primary eye care providers, without distinction between classes except for good cause, to provide covered primary eye care services to covered persons within the bounds of said primary eye care provider's scope of practice;"; and further amend line 31, by striking "other condition or restriction" and inserting in lieu thereof the following: "unreasonable conditions or restrictions"; and

Further amend said bill, pages 3-4, section 376.1249, lines 1-11, by striking all of said lines.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Bill No. 738, Page 1, In the Title, Line 1, by inserting immediately after the word "to", the following: **"health maintenance organizations and to"**; and

Further amend said bill, page 1, section A, the following:

"354.430. 1. Every enrollee residing in this state is entitled to evidence of coverage. If the enrollee obtains coverage through an insurance policy or a contract issued by a health services corporation, whether by option or otherwise, the insurer or the health services corporation shall issue the evidence of coverage. Otherwise the health maintenance organization shall issue the evidence of coverage.

2. No evidence of coverage, or amendment thereto, shall be issued or delivered to any person in this state until a copy of the form of the evidence of coverage, or amendment thereto, has been filed with the director.

3. An evidence of coverage shall contain:

(1) No provisions or statements which are unjust, unfair, inequitable, misleading, or deceptive, or which encourage misrepresentation, or which are untrue, misleading, or deceptive as defined in subsection 1 of section 354.460; [and]

(2) A clear and complete statement, if a contract, or a reasonably complete summary, if a certificate, of:

(a) The health care services and the insurance or other benefits, if any, to which the enrollee is entitled;

(b) Any limitations on the services, kind of services, benefits or kinds of benefits to be provided, including any deductible or copayment feature;

(c) Where and in what manner information is available as to how services may be obtained;

(d) The total amount of payment for health care services and the indemnity or service benefits, if any, which the

enrollee is obligated to pay with respect to individual contracts; and

(e) A clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; **and**

(3) A statement that each enrollee has the right to know the profession and training of any person within the health service organization determining the necessity and appropriateness of the provision of health care services to the enrollee under the plan, and a phone number at which this information may be obtained.

4. Any subsequent change in an evidence of coverage may be made in a separate document issued to the enrollee.

5. A copy of the form of the evidence of coverage to be used in this state, and any amendment thereto, shall be subject to the filing of subsection 2 of this section unless it is subject to the jurisdiction of the director under the laws governing health insurance or health services corporations, in which event the filing provisions of those laws shall apply.

354.440. Every health maintenance organization shall make available to its enrollees:

(1) The most recent annual statement of financial condition, including a balance sheet and summary of receipts and disbursements;

(2) A description of the organizational structure and operation of the health care plan and a summary of any material changes since the issuance of the last report;

(3) A description of services and information as to where and how to secure them; [and]

(4) A clear and understandable description of the health maintenance organization's method for resolving enrollee complaints; **and**

(5) Information about the profession and training of any person within the health service organization determining the necessity and appropriateness of the provision of health care services to the enrollee under the plan, and a phone number at which this information may be obtained."; and

"376.1200. 1. Every health maintenance organization, health services organization and any other insurer providing a health care plan in this state shall provide for emergency medical services as part of that plan.

2. As used in this section, "emergency medical services" means those health care services provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled medical care is required."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 4** is out of order in that the amendment is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

Senator Goode moved that **SB 509**, with **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Wiggins assumed the Chair.

Senator Goode offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Bill No. 509, Page 7, Section 379.203, Line 1, by striking the opening bracket "[" from said line; and further on lines 6-9 by striking said lines and inserting in lieu thereof the following: "unless coverage is"; and

Further amend said section, page 9, line 79, by striking the closing bracket "]" from said line; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted, which motion prevailed.

On motion of Senator Goode, **SB 509**, as amended, was declared perfected and ordered printed.

Senator Quick moved that **SB 905** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Quick, **SB 905** was placed on the Informal Calendar.

Senator Caskey moved that **SB 852**, with **SS No. 2**, **SA 1** and **SSA 1** for **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for **SA 1** was again taken up.

Senator Howard assumed the Chair.

At the request of Senator Russell, **SSA 1** for **SA 1** was withdrawn.

SA 1 was again taken up.

At the request of Senator McKenna, the above amendment was withdrawn.

At the request of Senator Caskey, **SS No. 2** for **SB 852** was withdrawn.

Senator Caskey offered **SS No. 3** for **SB 852**, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE BILL NO. 852

An Act to repeal sections 163.011, 163.031, 163.172, 165.051 and 165.111, RSMo 1994, and sections 164.011 and 165.011, RSMo Supp. 1995, relating to the use of public school funds, and enacting eight new sections relating to the same subject, with an emergency clause.

Senator Caskey moved that **SS No. 3** for **SB 852** be adopted.

Senators Ehlmann and Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Bill No. 852, Page 33, Section B, Line 23 of said page, by inserting immediately before said line, the following:

"178.405. 1. Any pupil less than eighteen years of age who graduates from a public, private, parochial or parish school at the high school level shall be eligible for a scholarship to attend academic classes at an approved public institution or an approved private institution, as those terms are defined in section 173.205, RSMo, in the succeeding school year. Such attendance shall be included in the average daily attendance of the district the pupil resided in at graduation during such succeeding school year. To attend, a pupil must satisfy all qualifications of the institution attended.

2. The department of elementary and secondary education shall deduct from its state aid payment under section 163.031, RSMo, to the district for the succeeding year a sum that is equal to eighty percent of the per pupil amount resulting from the pupil's attendance pursuant to subsection 1 of this section and such amount shall be deposited in the "Missouri Higher Education Student Voucher Fund", which is hereby created in the state treasury, for the purpose of providing scholarships for pupils attending classes at an approved public institution or an approved private institution pursuant to subsection 1 of this section. One-half of the remaining funds paid to the district based on the attendance of such pupil shall be used for bonus compensation and benefits to certificated staff based upon merit, and the remaining one-half may be used for any school purpose.

3. A pupil attending academic classes at an approved public institution or an approved private institution under subsection 1 of this section is eligible for and shall receive, upon request, from the department, a scholarship in the amount of eighty percent of the amount deducted by the department under subsection 2 for such pupil except that the scholarship shall not exceed the tuition, and other fees charged by the institution attended for such classes. The school attended by a pupil shall provide documentation to the department showing the enrollment at the institution, the pupil's high school enrollment record, the amount of tuition paid and attendance records from the institution attended showing the attendance of the pupil."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Ehlmann offered **SA 1** to **SA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute No. 3 for Senate Bill No. 852, Page 1, Section 178.405, Line 4, by deleting the words: "private, parochial or parish".

Senator Ehlmann moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Caskey, the point of order with withdrawn.

At the request of Senator Ehlmann, **SA 1** to **SA 1** was withdrawn.

At the request of Senator Ehlmann, **SA 1** was withdrawn.

Senators Ehlmann and Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Bill No. 852, Page 33, Section B, Line 23 of said page, by inserting immediately before said line, the following:

"178.405. 1. Any pupil less than eighteen years of age who graduates from a public, school at the high school level shall be eligible for a scholarship to attend academic classes at an approved public institution or an approved private institution, as those terms are defined in section 173.205, RSMo, in the succeeding school year. Such attendance shall be included in the average daily attendance of the district the pupil resided in at graduation during such succeeding school year. To attend, a pupil must satisfy all qualifications of the institution attended.

2. The department of elementary and secondary education shall deduct from its state aid payment under section 163.031, RSMo, to the district for the succeeding year a sum that is equal to eighty percent of the per pupil amount resulting from the pupil's attendance pursuant to subsection 1 of this section and such amount shall be deposited in the "Missouri Higher Education Student Voucher Fund", which is hereby created in the state treasury, for the purpose of providing scholarships for pupils attending classes at an approved public institution or an approved private institution pursuant to subsection 1 of this section. One-half of the remaining funds paid to the district based on the attendance of such pupil shall be used for bonus compensation and benefits to certificated staff based upon merit, and the remaining one-half may be used for any school purpose.

3. A pupil attending academic classes at an approved public institution or an approved institution under subsection 1 of this section is eligible for and shall receive, upon request, from the department, a scholarship in the amount of eighty percent of the amount deducted by the department under subsection 2 for such pupil except that the scholarship shall not exceed the tuition, and other fees charged by the institution attended for such classes. The school attended by a pupil shall provide documentation to the department showing the enrollment at the institution, the pupil's high school enrollment record, the amount of tuition paid and attendance records from the institution attended showing the attendance of the pupil."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Quick resumed the Chair.

Senator Ehlmann offered **SA 1** to **SA 2**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute No. 3 for Senate Bill No. 852, Page 1, Section 178.405, Line 4, by adding after the word "school," the following: "in less than four years".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Bill No. 852, Page 30, Section 165.016, Line 16 of said page, by striking the words "Prior to" and inserting in lieu thereof the word "**When**"; and further on line 18, by striking the word "comments" and inserting in lieu thereof the following: "**any comments which have been received**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Bill No. 852, Page 33, Section B, Line 23 of said page, by inserting immediately after said line the following:

"Section 1. Executive order 95-11 is hereby declared to be null and void and no state agency or group of agencies shall participate in the federal School-to-Work program nor implement any statewide workforce development plan, including any plan based upon the recommendation of the Missouri training and employment council, unless such agency or agencies are specifically authorized to do so by an act of the general assembly."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 4** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Kinder offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 3 for Senate Bill No. 852, Page 33, Section B, Line 23 of said page, by inserting immediately before said line, the following:

"Section 1. No person may serve for more than three consecutive school years as an administrator in a school district unless the person has taught at least one regular term class during the three preceding years."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Caskey moved that **SS No. 3** for **SB 852**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS No. 3** for **SB 852**, as amended, was declared perfected and ordered printed.

At the request of Senator Klarich, **SA 4** to **SB 738** was withdrawn, rendering the point of order moot.

SB 738, as amended, was placed before the body.

At the request of Senator Maxwell, **SB 738**, as amended, was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report No. 2 on **HCS** for **SS** for **SB 687** and requests the Senate to grant further conference.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert J. Mayfield, Democrat, 12910 Walnutway Terrace, St. Louis, St. Louis County, Missouri 63146, as a member of the State Lottery Commission, for a term ending September 7, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Bill M. Burch, Democrat, 658 N. Ranney, Sikeston, Scott County, Missouri 63801, as a member of the Missouri Development Finance Board, for a term ending September 14, 1999, and until his successor is duly appointed and qualified; vice, V. Edwin Stoll, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kenneth R. Hensley, Democrat, 601 N. 9th, Albany, Gentry County, Missouri 64402, as a member of the State Lottery Commission, for a term ending March 3, 1998, and until his successor is duly appointed and qualified; vice, Robert E. Scott, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William W. Zielonko, 15 Fox Meadows, Sunset Hills, St. Louis County, Missouri 63127, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2000, and until his successor is duly appointed and qualified; vice, John Donald, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 24, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joe E. Maxwell, 210 E. Promenade, Mexico, Audrain County, Missouri 65265, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1998, and until his successor is duly appointed and qualified; vice, Mary Rhodes, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate grant the House further conference on **HCS** for **SS** for **SB 687**, as amended, which motion prevailed.

RESOLUTIONS

Senator Howard offered Senate Resolution No. 1284, regarding David Armstrong, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 1285, regarding Linda McClanahan, Caruthersville, which was adopted.

Senator Howard offered Senate Resolution No. 1286, regarding Caroline LaVallee, which was adopted.

Senator Schneider offered Senate Resolution No. 1287, regarding Matthew Jay Corwin, Ferguson, which was adopted.

Senator Treppler offered Senate Resolution No. 1288, regarding the Honorable Patricia A. Killoren, Crestwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Dana Duckworth, Blue Springs.

Senator Caskey introduced to the Senate, Brent Bartlett, and the Girls 1A State Basketball Championship Team from Drexel High School, Drexel.

Senator Moseley introduced to the Senate, Fred Frese, Hudson, Ohio.

Senator Wiggins introduced to the Senate, Mr. and Mrs. Jerry Mackey and their granddaughter, Kelly, and Vicki Irwin, Kansas City.

Senator McKenna introduced to the Senate, Theresa Ponzar, twenty adults and ninety fourth grade students from Antonia Elementary School, Imperial; and Jacob Kemper, Jerry Holifield and Dustin Marquart were made honorary pages.

Senator Sims introduced to the Senate, Catherine Williams and eleven students from Christian Academy of Greater St. Louis, St. Louis; and Amanda Clemons, Brian Fahs, Melissa Jackson, Don Lavelly, Nikki Lamb, Mike Gilbert and Sam Wheeler were made honorary pages.

Senator Bentley introduced to the Senate, Larry Cataldo and thirty guests from the Burrell Mental Health Transitions Program, Springfield.

Senator Staples introduced to the Senate, the seventh grade class from Sunrise School, DeSoto; and Amy Antonio, Andrew Shannon, Kimberly Dickinson and Robert Therrel were made honorary pages.

Senator Schneider introduced to the Senate, ninety-five fourth grade students from Jana Elementary School, Florissant; and Colleen VanDerWal, Kimberly O'Keefe, Jonathan Brandt and Rhona Flanagan were made honorary pages.

Senator Wiggins introduced to the Senate, Ms. Nicole Mohning and fifteen seventh grade students from Notre Dame de Sion School, Kansas City.

Senator Melton introduced to the Senate, Wilma Swofford and forty-five fourth grade students from Cassville Elementary School, Cassville.

Senator Caskey introduced to the Senate, Jim Hoke and his son, Mark Stinson, Harrisonville; and Mark was made an honorary page.

Senator Graves introduced to the Senate, Jim Romesburg, Bill Christisen, Roy and Judy Gwin, Gerald Critten, Velda

Smith, Linda Gilpatrick, Bonnie Richardson, Maryland Cox, Maryland McClure, Marvin McDonald, Terry and Crissey Spence and Frances Bensyl, Putnam, Grundy, Livingston and Harrison Counties.

Senator Rohrbach introduced to the Senate, Ken and Martha Brown, Warsaw.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SECOND DAY--THURSDAY, APRIL 25, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Phillip Brooks said, "I do not pray for a lighter load, but for a stronger back." Sometimes the burdens we bear seem more than we can carry. Give us stronger backs that we might be able to do the work You have given us to do. We seek that strength that is beyond the understanding of man, which comes only from our Lord. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Absent with leave--Senators

Moseley	Scott--2
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The Lieutenant Governor was present.

President Wilson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1289, regarding Stacy Sundermeyer, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SB 687**, as amended: Senators Goode, Lybyer, Schneider, Sims and Klarich.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 509**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Howard assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Banks requested unanimous consent of the Senate to take up **SB 781** out of order for perfection, which request was granted.

At the request of Senator Banks, **SB 781** was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Sam A. Maupin, as a member of the Elevator Safety Board;

Also,

Dan A. Needham, as a member of the Missouri Head Injury Advisory Council;

Also,

Amy M. Jordan, as the Small Business Ombudsman;

Also,

Homer W. Miller, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Anita J. James, as a member of the Missouri Real Estate Commission;

Also,

Karen W. Taylor and James R. Dickerson, as members of the Missouri Training and Employment Council;

Also,

Sharlene Pietsch and Robert F. Lawrence, as members of the Well Installation Board;

Also,

Frank D. Beller and William R. Thomas, as members of the Air Conservation Commission of the State of Missouri;

Also,

Karl A. Grice, as a member of the Missouri Board for Architects, Professional Engineers and Land Surveyors;

Also,

Marvin R. Beck, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

Robert D. Boydston, as a member of the Peace Officer Standards and Training Commission;

Also,

Karen I. Karns and Joseph E. Pink, as members of the Missouri State Council on Vocational Education.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

SENATE BILLS FOR PERFECTION

SB 695, with **SCA 1**, was placed on the Informal Calendar.

At the request of Senator Wiggins, **SB 752**, **SB 789**, **SB 843** and **SB 847**, with **SCS**, were placed on the Informal Calendar.

SB 831, with **SCS**, was placed on the Informal Calendar.

Senator Maxwell moved that **SB 910** be taken up for perfection, which motion prevailed.

Senator Maxwell offered **SS** for **SB 910**, entitled:

SENATE SUBSTITUTE FOR

SENATE BILL NO. 910

An Act to repeal section 620.482, RSMo Supp. 1995, relating to economic development, and to enact in lieu thereof eighteen new sections relating to the same subject.

Senator Maxwell moved that **SS** for **SB 910** be adopted.

Senator Quick assumed the Chair.

Senator Maxwell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line, the following:

"178.635. 1. The board of regents of Linn State Technical College shall organize in the manner provided by law for the board of curators of the University of Missouri. The powers, duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the board of Linn State Technical College in regard to Linn State Technical College shall be the same as those prescribed by statute for the board of curators of the University of Missouri in regard to the University of Missouri, except that Linn State Technical College shall be operated only as a state technical college. Nothing in this section shall be construed to authorize Linn State Technical College to become a community college or a university offering four-year or graduate degrees.

2. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined in section 176.010, RSMo, by Linn **State** Technical College, shall **not** be deemed to be an indebtedness of the **state of Missouri or the** board of regents of Linn State Technical College, **pursuant to section 176.040, RSMo** [after the date upon which the conditions of section 178.631 are met. Such indebtedness shall be retired through tuition revenues].

178.892. As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a junior college district **or state technical college**, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district **or state technical college** which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a junior college district **and the board of regents of a state technical college**;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district **or state technical college** and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, health, or professional services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

(8) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state;

(9) "New jobs credit from withholding", the credit as provided in section 178.894;

(10) "New jobs training program" or "program", the project or projects established by a community college district **or state technical college** for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

(11) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(12) "Program services" includes, but is not limited to, the following:

(a) New jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates;

(13) "Project", a training arrangement which is the subject of an agreement entered into between the community college district **or a state technical college** and an employer to provide program services;

(14) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance of certificates.

178.893. A community college district **or a state technical college**, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district **or a state technical college** and a potential employer regarding the possibility of entering into an agreement, the district **or college** shall inform the division of job development and training of the department of economic development and the office of administration about the potential project. The division of job development and training shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college **or the state technical college** within fourteen days the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri junior college job training program fund and disbursed by the division of job development and training in respect of new jobs credit from withholding to be received or derived from new employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees, shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months after the placement of the participant in the new job;

(4) A provision which fixes the minimum amount of new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.

178.894. If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, such new jobs credit from withholding shall be determined and paid as follows:

(1) New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs;

(2) A portion of the total payments made by the employer pursuant to section 143.221, RSMo, shall be designated as the new jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer pursuant to section 143.221, RSMo, shall be credited to the Missouri junior college job training fund by the amount of such difference. The employer shall remit the amount of the new jobs credit to the department of revenue in the manner prescribed in section 178.896. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district **or the state technical college** participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training for the project and other amounts received by the district **or college** in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district **or college** only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of job development and training under the provisions of sections 178.892 to 178.896 and the special fund into which it is paid may be irrevocably pledged by a junior college district **or a state technical college** for the payment of the principal of, premium, if any, and interest on the certificate issued by a junior college district **or a state technical college** to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a new jobs credit from withholding and withheld as provided in section 143.221, RSMo;

(7) If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, the provisions of this subsection shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.

178.895. 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district **or a state technical college** may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district **or the college** for each project. The total amount of outstanding certificates sold by all junior college districts **and the state technical college** shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. However, chapter 176, RSMo, does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state [or], the community college district, **the state technical college** or of any other political subdivision of the state and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts **and the state technical college** will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

7. [No] A community college district [may] **and the state technical college shall not** sell certificates as described in this section after July 1, 1998.

178.896. 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Training Program Fund", to be administered by the division of job development and training. The department of revenue shall credit to the community college job training program fund, as received, all new jobs credit from withholding remitted by employers pursuant to section 178.894. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job training program fund. Moneys in the Missouri community college job training program fund shall be disbursed to the division of job development and training pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts **and the state technical college** for projects, which funds shall be used to pay program costs, including the principal of, premium, if any, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of job development and training shall be made to the special fund for each project in the same proportion as the new jobs credit from withholding remitted by the employer participating in such project bears to the total new jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for new jobs training programs established under the provisions of sections 178.892 to 178.896 shall be obtained from appropriations made by the general assembly from the Missouri community college job training program fund. All moneys remaining in the Missouri community college job training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri community college job training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's new jobs credit from withholding paid into the Missouri community college job training program fund. The new jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job training program fund shall be no less than all allocations made by the division of job development and training to all community college districts for all projects. The employer shall remit the amount of the new job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265, RSMo.

3. Sections 178.892 to 178.896 shall expire July 1, 2008."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator House offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 910, Page 19, Section 17, Line 24, by inserting immediately after said line, the following:

"Section 17. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143,

RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of revenue shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of revenue may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of revenue shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of revenue shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of revenue, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of revenue, of its apportioned tax credits during this predetermined period of time, the director of revenue may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of revenue, of their apportioned tax credits during this predetermined period of time. The director of revenue may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of revenue shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of revenue shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 18. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the

provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of revenue shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of revenue may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of revenue shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of revenue shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of revenue, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of revenue, of its apportioned tax credits during this predetermined period of time, the director of revenue may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of revenue, of their apportioned tax credits during this predetermined period of time. The director of revenue may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of revenue shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of revenue shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section B. Sections 17 and 18 of this act shall become effective January 1, 1997 and shall apply to all taxable years beginning after December 31, 1996."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 910, Page 19, Section 17, Line 24 of said page, by inserting immediately after said line, the following:

"Section 18. 1. Unless otherwise prohibited by federal law, an employer, or an employer's designee, who responds in writing to a written request concerning a current or former employee from a prospective employer of that employee, may disclose the following information:

(1) Date and duration of employment;

(2) Pay level;

(3) Job description and duties;

(4) Wage history;

(5) A written employee evaluation prepared prior to the employee's separation from the employer which:

(a) The employee had acknowledged in writing;

(b) Shall include any written employee response to the evaluation; and

(c) Shall be provided to the employee; and

(6) Whether the employee was voluntarily or involuntarily released from service and the reasons for the separation.

2. An employer, or an employer's designee, who discloses information as provided in subsection 1 of this section, is presumed to be acting in good faith and, unless lack of good faith is shown, is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith is rebutted only if it can be shown that the employer knowingly disclosed false and deliberately misleading information.

3. The provisions of this section shall apply regardless of whether the employee becomes employed by the prospective employer prior to receipt of the former employer's written response."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope of the bill and is therefore not germane.

The point or order was referred to the President Pro Tem, who ruled it well taken.

Senator Flotron offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line, the following:

"135.500. 1. Sections 135.500 to 135.529 shall be known and may be cited as the "Missouri Certified Capital Company Law".

2. As used in sections 135.500 to 135.529, the following terms mean:

(1) "Affiliate of a certified company":

(a) Any person, directly or indirectly owning, controlling or holding power to vote ten percent or more of the outstanding voting securities or other ownership interests of the Missouri certified capital company;

(b) Any person ten percent or more of whose outstanding voting securities or other ownership interest are directly or indirectly owned, controlled or held with power to vote by the Missouri certified capital company;

(c) Any person directly or indirectly controlling, controlled by, or under common control with the Missouri certified capital company;

(d) A partnership in which the Missouri certified capital company is a general partner;

(e) Any person who is an officer, director or agent of the Missouri certified capital company or an immediate family member of such officer, director or agent;

(2) "Applicable percentage", one hundred percent;

(3) "Capital in a qualified Missouri business", any debt, equity or hybrid security, whether secured or unsecured, of any nature and description whatsoever, including a debt instrument or security which has the characteristics of debt but which provides for conversion into equity or equity participation instruments such as options or warrants which are acquired by a Missouri certified capital company as a result of a transfer of cash to a business which at the time of transfer, is a qualified Missouri business;

(4) "Certified capital", an investment of cash by an investor in a Missouri certified capital company;

(5) "Certified capital company", any partnership, corporation, trust or limited liability company, whether organized on a profit or not for profit basis, that is located, headquartered and registered to conduct business in Missouri that has as its primary business activity, the investment of cash in qualified Missouri businesses, and which is certified by the department as meeting the criteria of sections 135.500 to 135.529;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the department of economic development or a person acting under the supervision of the director;

(8) "Investor", any insurance company that contributes cash;

(9) "Person", any natural person or entity, including a corporation, general or limited partnership, trust or limited liability company;

(10) "Qualified distribution", any distribution or payment to equity holders of a certified capital company in connection with the following:

(a) Reasonable costs and expenses of forming, syndicating, managing and operating the certified capital company;

(b) Management fees for managing and operating the certified capital company; and

(c) Any increase in federal or state taxes, penalties and interest, including those related to state and federal income taxes, of equity owners of a certified capital company which related to the ownership, management or operation of a certified capital company;

(d) Principal and interest payments to a debt holder of a certified capital company including a debt holder who is also an equity owner of a certified capital company;

(11) "Qualified investment", the investment of cash by a Missouri certified capital company in such a manner as to acquire capital in a qualified Missouri business;

(12) "Qualified Missouri business", an independently owned and operated business, which is headquartered and located in Missouri, which has no more than two hundred employees, eighty percent of which are employed in Missouri, which had gross sales during its most recent complete fiscal year, if any, of seven million or less, which is in need of capital for survival, expansion, or new product development. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services, but excluding retail, real estate, real estate development, insurance and professional services provided by accountants, lawyers or physicians. Any business which is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company and such follow-on investments shall be qualified investments even though such business may not meet the other qualifications of this subsection at the time of such follow-on investments;

(13) "State premium tax liability", any liability incurred by an insurance company under the provisions of section 148.370, RSMo, and related provisions.

135.503. 1. Any investor that makes an investment of certified capital shall, in the year of investment, earn a vested credit against state premium tax liability equal to the applicable percentage of the investor's investment of certified capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after the effective date of this act, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

2. The credit against state premium tax liability which is described in subsection 1 of this section may not exceed the state premium tax liability of the investor for any taxable year. All such credits against state premium tax liability may be carried forward indefinitely until the credits are utilized.

3. The aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; for calendar year 1998, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of seven million five hundred thousand dollars; and for any year thereafter, an amount to be determined by the director, and with the approval of the commissioner of administration, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of section 135.503. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection.

4. The department shall advise any Missouri certified capital company, in writing, within fifteen days after receiving the filing described in subdivision (1) of subsection 5 of section 135.516 whether the limitations of subsection 3 of this section then in effect will be applicable with respect to the investments and credits described in such filing with the department. If any Missouri certified capital company does not receive any notice from the department within such fifteen-day period, then the limitation described in subsection 3 of this section shall not be applicable with respect to the investment and tax credits which are described in such filing with the department.

135.505. A Missouri certified capital company shall have a funding period of one year from the date of receiving certification from the director. All investments in the Missouri certified capital company shall be made within such three hundred sixty-five day funding period.

135.508. The department may certify profit or not for profit entities which submit an application to be designated as a Missouri certified capital company. The department shall review the organizational documents for each applicant for certification and the business history of the applicant, determine that the Missouri certified capital company's cash, marketable securities and other liquid assets are at least five hundred thousand dollars, determine that the liquid asset base for certified companies is at least five hundred thousand dollars at all times during the company's participation in the program authorized by sections 135.500 to 135.529, and determine that the officers and the board of directors, partners, trustees or managers are thoroughly acquainted with the requirements of sections 135.500 to 135.529 and have significant experience in managing entities which provide venture capital and financing assistance in a manner which is similar to that required of a Missouri certified capital company. No insurance company licensed by or transacting business in Missouri shall, individually or with or through one or more affiliates, be a managing general partner of or control the direction of investments of a Missouri certified capital company. Within seventy-five days of application, the department shall either issue the certification and notify the department of revenue and the director of the department of insurance of such certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including the suggestions for the removal of those grounds. The department shall be responsible for the administration of the tax credits authorized by sections 135.500 to 135.529.

135.516. 1. To continue to be certified, a Missouri certified capital company shall make qualified investments according to the following schedule:

(1) Within two years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least twenty-five percent of its certified capital shall be, or have been, placed in qualified investments;

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

(3) Within four years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company, at least fifty percent of its total certified capital shall be, or have been, placed in qualified investments;

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it proposes to invest meets the definition of a qualified Missouri business pursuant to subdivision (14) of subsection 2 of section 135.500. The certified capital company shall state the amount of capital it intends to invest and the name of the business in which it intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen working day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen

working day period prior to the making of the proposed investment, the company in which the certified capital company proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (14) of subsection 2 of section 135.500;

(5) All certified capital which is not required to be placed in qualified investments or which has been placed in qualified investments and can be received by the company, may be held or invested in such manner as the Missouri certified capital company, in its discretion, deems appropriate. The proceeds of all certified capital which is received by a certified capital company after it was originally placed in qualified investments may be placed again in qualified investments and shall count toward any requirement in sections 135.500 to 135.529 with respect to placing certified capital in qualified investments.

2. A certified capital company may make qualified distributions to its equity owners at any time. In order to make distributions to the equity owners of a certified capital company, however, a certified capital company must have placed one hundred percent of its certified capital in investments. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction. Once a certified capital company has placed one hundred percent of its certified capital in qualified investments and has met all other requirements under sections 135.500 to 135.529, it shall no longer be subject to regulation by the department.

3. No qualified investment may be made at a cost to a Missouri certified capital company greater than fifteen percent of the total certified capital under management of the Missouri certified capital company at the time of investment. A Missouri certified capital company may not make an investment in an affiliate of the certified capital company. For the purposes of this subsection, if a legal entity is not an affiliate before a certified capital company initially invests in the entity, it will not be an affiliate if a certified capital company provides additional investment in such entity subsequent to its initial investment.

4. Documents and other materials submitted by Missouri certified capital companies or by businesses for purposes of the continuance of certification may be deemed "closed records" pursuant to the provisions of section 620.014, RSMo.

5. Each Missouri certified capital company shall report the following to the department:

(1) As soon as practicable after the receipt of certified capital, the name of each investor from which the certified capital was received, the amount of each investor's investment of certified capital and tax credits computed without regard to any limitations under subsection 3 of section 135.503, and the date on which the certified capital was received;

(2) On a quarterly basis, the amount of the Missouri certified capital company's certified capital at the end of the quarter, whether or not the Missouri certified capital company has invested more than fifteen percent of the total certified capital under management in any one company, and all qualified investments that the Missouri certified capital company has made;

(3) Each Missouri certified capital company shall provide annual audited financial statements to the department which include an opinion of an independent certified public accountant to the department within ninety days of the close of the fiscal year. The audit shall address the methods of operation and conduct of the business of the Missouri certified capital company to determine if the Missouri certified capital company is complying with the statutes and program rules and that the funds received by the Missouri certified capital company have been invested as required within the time limits provided by sections 135.500 to 135.529.

135.520. 1. The division of finance of the department of economic development shall conduct an annual review of each Missouri certified capital company to determine if the Missouri certified capital company is abiding by

the requirements of certifications, to advise the Missouri certified capital company as to the certification status of its qualified investments and to ensure that no investment has been made in violation of sections 135.500 to 135.529. The cost of the annual review shall be paid by each Missouri certified capital company according to a reasonable fee schedule adopted by the department. The division of finance shall report its findings to the department as soon as practicable following completion of the audit.

2. Any material violation of sections 135.500 to 135.529 shall be grounds for decertification under this section. If the department determines that a company is not in compliance with any requirements for continuing in certification, it shall, by written notice, inform the officers of the company and the board of directors, managers, trustees or general partners that they may be decertified in one hundred twenty days from the date of mailing of the notice, unless they correct the deficiencies and are again in compliance with the requirements for certification.

3. At the end of the one hundred twenty-day grace period, if the Missouri certified capital company is still not in compliance, the department may send a notice of decertification to the company and to the directors of the department of revenue and department of insurance. Decertification of a Missouri certified capital company prior to the certified capital company meeting all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the recapture of all premium tax credits previously claimed by an investor and the forfeiture of all future credits to be claimed by an investor with respect to its investment in the certified capital company. Decertification of a Missouri certified capital company after it has met all requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall cause the forfeiture of premium tax credits for the taxable year of the investor in which the decertification arose and for future taxable years with no recapture of tax credits obtained by an investor with respect to the investor's tax years which ended before the decertification occurred.

135.523. The department may revoke the certification of a Missouri certified capital company if any material representation to the department in connection with the application process proves to have been falsely made or if the application materially violates any requirement established by the department pursuant to sections 135.500 to 135.529.

135.526. All investments for which tax credits are claimed under the provisions of sections 135.500 to 135.529 shall satisfy the conditions of being registered or specifically exempt from registration by provisions or regulations under chapter 409, RSMo.

135.529. 1. The tax credit established pursuant to sections 135.500 to 135.529 may be sold or transferred in accordance with regulations adopted by the department. Any such sale or transfer shall not affect the time schedule for taking the tax credit, as provided in sections 135.500 to 135.529. Any premium tax credits recaptured pursuant to section 135.520 shall be the liability of the taxpayer which actually claimed the credit. In approving the sale or transfer of the credit pursuant to this section, the department may require the transferor or the transferee or both the transferor and the transferee to execute guarantees or post bonds with respect to any potential credit recapture.

2. No rule or portion of a rule promulgated under the authority of sections 135.500 to 135.529 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. The department shall make and promulgate emergency rules and regulations consistent with the provisions of sections 135.500 to 135.529 as are necessary or useful to carry out the provisions of sections 135.500 to 135.529, pursuant to section 536.025, RSMo.

3. Every final order, decision, license or other official act of the director pursuant to sections 135.500 to 135.529 is subject to administrative review in accordance with chapter 621, RSMo.

148.330. 1. Every such company shall, on or before the first day of March in each year, make a return, verified by the affidavit of its president and secretary, or other authorized officers, to the director of the department of insurance stating the amount of all premiums received on account of policies issued in this state by the company, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns the director of the department of insurance shall verify the same and certify the amount of tax due from the various

companies on the basis and at the rates provided in section 148.320, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the tax for the immediately preceding taxable year ending on the thirty-first day of December, next preceding. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September and the first day of December. Immediately after receiving certification from the director of the department of insurance of the amount of tax due from the various companies the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance of the tax due shall be paid on the first day of June of the year following, together with the regular quarterly payment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year. The state treasurer, upon receiving the moneys paid as a tax upon such premiums to the director of revenue, shall place the moneys to the credit of a fund to be known as "The County Stock Insurance Fund", which is hereby created and established.

3. If the estimated quarterly tax installments are not so paid, the director of revenue shall certify such fact to the director of the division of insurance who shall thereafter suspend such delinquent company or companies from the further transaction of business in this state until such taxes shall be paid and such companies shall be subject to the provisions of sections 148.410 to 148.461.

4. On or before the first day of September of each year the commissioner of administration shall apportion all moneys in the county stock insurance fund to the general revenue fund of the state, to the county treasurer and to the treasurer of the school district in which the principal office of the company paying the same is located. **All premium tax credits described in sections 135.500 to 135.529, RSMo, shall only reduce the amounts apportioned to the general revenue fund of the state and shall not reduce any moneys apportioned to the treasurer of the school district in which the principal office of the company paying the same is located.** Apportionments shall be made in the same ratio which the rates of levy for the same year for state purposes, for county purposes, and for all school district purposes, bear to each other; provided that any proceeds from such tax for prior years remaining on hand in the hands of the county collector or county treasurer undistributed on the effective date of sections 148.310 to 148.460 and any proceeds of such tax for prior years collected thereafter shall be distributed and paid in accordance with the provisions of such sections. Whenever the word "county" occurs herein it shall be construed to include the city of St. Louis.

148.350. 1. Every such company or association shall, on or before the first day of March in each year, make a return, verified by the affidavit of its president and secretary or other authorized officers, to the director of the department of insurance stating the amount of all premiums received on account of policies issued in this state by such company, whether in cash or in notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns, the director of the department of insurance shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in section 148.340, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments and a fifth reconciling installment. The first four installments shall be based upon the tax assessed for the immediately preceding taxable year ending on the

thirty-first day of December, next preceding. The quarterly installment shall be made on the first day of March, the first day of June, the first day of September, and the first day of December. Immediately after receiving from the director of the department of insurance, certification of the amount of tax due from the various companies, the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding. The director of revenue shall also notify and assess each company the amount of the estimated quarterly installments to be made for the calendar year. If the amount of the actual tax due for any year exceeds the total of the installments made for such year, the balance of the tax due shall be paid on the first day of June of the following year, together with the regular quarterly installment due at that time. If the total amount of the tax actually due is less than the total amount of the installments actually paid, the amount by which the amount paid exceeds the amount due shall be credited against the tax for the following year and deducted from the quarterly installment otherwise due on the first day of June. If the March first quarterly installment made by a company is less than the amount assessed by the director of revenue, the difference will be due on June first, but no interest will accrue to the state on the difference unless the amount paid by the company is less than eighty percent of one-fourth of the total amount of tax assessed by the director of revenue for the immediately preceding taxable year. If the estimated quarterly tax installments are not so paid, the director of revenue shall certify such fact to the director of the department of insurance who shall thereafter suspend such delinquent company or companies from the further transaction of business in this state until such taxes shall be paid, and such companies shall be subject to the provisions of sections 148.410 to 148.461.

3. Upon receiving such money from the director of revenue, the state treasurer shall receipt one-half thereof into the general revenue fund of the state, and he shall place the remainder of such tax to the credit of a fund to be known as "The County Foreign Insurance Tax Fund", which is hereby created and established. **All premium tax credits described in sections 135.500 to 135.529, RSMo, shall only reduce the amount of moneys received by the general revenue fund of this state and shall not reduce any moneys received by the county foreign insurance tax fund.**"; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Maxwell offered **SA 1** to **SA 4**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Substitute for Senate Bill No. 910, Page 4, Section 135.503, Line 16, by striking the word "ten" and inserting in its place the words "eight and one- half".

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

SA 4, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senators House and Ehlmann offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line the following:

"172.273. 1. The curators of the University of Missouri may establish **office park projects for the purpose of**

research[,] **and** development [and office park projects], in order to promote cooperative relationships and to provide for shared resources between private individuals, companies and corporations, and the University of Missouri, for the advancement of the university in carrying out its educational mission [and such projects are declared to be in furtherance of the purposes of the university].

2. The curators may, in connection with such projects, enter into written, mutually binding leases or agreements with individuals, businesses, corporations, and professional firms participating in the project for the purpose of expanding business and professional opportunities for students, faculty and graduates of the university and of the area it serves, and for making available to the university the resources and expertise of the business and professional entities participating in the project.

3. The curators may purchase necessary land and may purchase and construct or arrange for or permit the construction of any necessary facilities for such projects, may utilize the power of eminent domain, and may in any other manner acquire and accept in the name of the curators of the University of Missouri suitable land and facilities for such projects, and may enter into business arrangements, including long-term leases, for the development thereof. The curators may also acquire options upon lands to be purchased. Lands and improvements utilized as a part of such projects, so long as they remain a part of a project, shall not be subject to local zoning or local regulatory ordinances; provided that if the project is located within a city or county, the university is required to consult with the city or county, prior to board of curators' approval of the master development plan or substantial amendments thereto. The city or county **planning** commission may hold and complete a public hearing on such plan within forty-five days of submission to the city or county and the city or county within fifteen days thereafter may issue its advisory recommendations to the curators. The curators may in their sole discretion require that project development conform to the planning, transportation, environmental, health and safety requirements of such city or county. Interests in property included in such projects may be conveyed as needed, without passage of a concurrent resolution as provided by the provisions of section 172.020. [The utilization of the real property, as provided in subsection 1 of this section, is hereby deemed to be a public purpose and in furtherance of the purposes of the university. Provided] **If such land is owned by the university and used as provided in subsection 1 and subsection 2 of this section and found to be within the university's educational mission**, no leasehold or other interest therein, by whomsoever held, shall be separately assessed or taxed, and such real property as a whole shall be deemed the property of the curators of the University of Missouri and be exempt from all forms of property tax.

4. For the purpose of developing and operating the project, the curators may enter into cooperative agreements, including leases, in the same manner and to the same extent that political subdivisions are authorized to enter into such agreements by the provisions of section 70.220, RSMo.

5. Notwithstanding the exemption from taxes in subsection 3 of this section, whenever a private enterprise operates its facilities on land owned by the curators for an office park project for the purpose of research and development and such operation is outside the advancement of the university's educational mission, the private enterprise shall be subject to all taxes set forth by the appropriate political subdivision.

[5.] **6.** Whenever the curators' acquisition of land for [such a research, development and office park project] **an office park project for research and development** will result in displacement, relocation assistance and monetary benefits identical to those provided by subchapter II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC 4621 et seq., and its implementing regulations shall be afforded to each displaced occupant or entity.

[6.] **7.** Notwithstanding the exemption of the curators of the University of Missouri from municipal regulation and the provisions of subsection 3 of this section, any entity acting pursuant to a lease or cooperative agreement with the curators may request that permits, licenses and certificates be issued by a city or county where a project is to be located in order to aid in the construction, operation and financing of such project. Such permits, licenses and certificates may be issued by the city or county after review and approval of plans submitted by an architect or engineer licensed to practice in the state of Missouri. Any entity may also request that inspections be conducted by such city or county if such activities are normally performed by the city or county in the enforcement of its building code.

[7.] **8.** Such doctrines of sovereign and official immunity and the public duty doctrines as now exist for the issuance of permits, licenses, certificates and performance of inspections shall apply to any city, county or official or employee thereof issuing permits, licenses, and certificates or performing inspections pursuant thereto with respect to any claim brought for damages as a result of the wrongful or negligent issuance of such permit, license or certificate or the performance of inspections."; and

Further amend title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Klarich offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line, the following:

"32.105. As used in sections 32.100 to [32.125] **32.127**, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described herein and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. Persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area" means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Percent of State or Geographic Area Family	
Size of Household	Median Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an

express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in the state of Missouri if such firm or S corporation, as the case may be, is doing business in the state of Missouri;

(9) "Earned credits", credits approved and issued by the commission pursuant to sections 32.100 through 32.127 for which property or services have been contributed and not yet claimed as a credit against any tax by any business firm;

[(9)] **(10) "Economic development"**, the acquisition, renovation, improvement, or the furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the state when such acquisition, renovation, improvement, or the furnishing or equipping of the existing buildings and real estate will result in the creation or retention of jobs within the state; or, until June 30, 1996, a defense conversion pilot project located in a standard metropolitan statistical area which contains a city with a population of at least three hundred fifty thousand inhabitants, which will assist Missouri-based defense industry contractors in their conversion from predominately defense related contracting to nondefense oriented manufacturing. Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to conduct economic development projects. Prior to the approval of an economic development project, the neighborhood organization shall enter into a contractual agreement with the department of economic development. Credits approved for economic development projects may not exceed two million dollars from within any one fiscal year's allocation;

[(10)] **(11) "Education"**, any type of scholastic instruction or scholarship assistance to an individual who resides in the state of Missouri that enables him to prepare himself for better opportunities or community awareness activities rendered by a statewide organization established for the purpose of archeological education and preservation;

[(11)] **(12) "Homeless assistance pilot project"**, the program established pursuant to section 32.117;

[(12)] **(13) "Job training"**, any type of instruction to an individual who resides in the state of Missouri that enables him to acquire vocational skills so that he can become employable or be able to seek a higher grade of employment;

[(13)] **(14) "Neighborhood organization"**, any organization performing community services or economic development activities in the state of Missouri and:

(a) Holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of the Internal Revenue Code; or

(b) Incorporated in the state of Missouri as a not for profit corporation under the provisions of chapter 355, RSMo; or

(c) Designated as a community development corporation by the United States government under the provisions of Title VII of the Economic Opportunity Act of 1964;

[(14)] **(15)** "Physical revitalization", furnishing financial assistance, labor, material, or technical advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood area;

[(15)] **(16)** "S corporation", a corporation described in section 1361(a)(1) of the United States Internal Revenue Code and not subject to the taxes imposed by section 143.071, RSMo, by reason of section 143.471, RSMo.

32.127. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer the earned credits authorized by sections 32.100 through 32.127 in accordance with this section. Any taxpayer holding earned credits, hereinafter the assignor for the purpose of this section, may sell, assign, exchange or otherwise transfer all or any portion of such earned credits:

(1) For consideration in an amount not less than seventy-five percent of the par value of such earned credits being sold, assigned, exchanged or otherwise transferred; and

(2) In an amount not to exceed the par value of such earned credits being sold, assigned, exchanged or otherwise transferred. The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this section, may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed on such taxpayer described in section 32.115. Any unused earned credits in the hands of the assignee not used in the year of the assignor's contribution with respect to such earned credits may be carried over for the next five succeeding calendar or fiscal years until the full credit has been claimed, provided that earned credits issued pursuant to proposals approved under section 32.111 may be carried over for the next ten succeeding calendar or fiscal years following the tax year in which the original contribution by assignor was made until the full credit has been allowed. The assignor and assignee shall enter into a written agreement setting forth the terms and conditions of the transfer and shall provide a copy of the agreement, together with an application for transfer of tax credits, to the commission within thirty calendar days following the effective date of the transfer. The application for transfer of tax credits shall be in a form proscribed by the commission. The assignor shall provide any additional information as may be required by the commission and the director of revenue to administer and carry out the provisions of this section. Upon approval of such transfer of the earned credits, the commission shall transmit a copy of the approval to the director of revenue and the assignee and thereafter the earned credits shall be available to assignee as set forth in sections 32.100 and 32.127, as if the credits had originally been issued to the assignee."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Quick resumed the Chair.

Senator Klarich offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line, the following:

"144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable under sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing under the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax levied, assessed or payable under the local sales tax law as defined in section 32.085, RSMo, section 238.235,

RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section 142.584, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry which is to be used in the feeding of livestock or poultry to be sold ultimately in processed form or otherwise at retail; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered under the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials and manufactured goods which are ultimately consumed in the manufacturing process by becoming, in whole or in part, a component part or ingredient of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of, motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, replacing [and used for the same purposes as the] machinery and equipment [replaced by reason of design or product changes], which is purchased for and used directly for manufacturing or fabricating a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a "material recovery processing plant" means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall [not] include a facility or equipment which is used [solely] **exclusively** for the collection of recovered materials for delivery to a material recovery processing plant;

(5) Machinery and equipment, and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint used in newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director under this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director under this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal medicare program under Title XVIII of the Social Security Act of 1965, including the items specified in section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not for profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations under section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not for profit institution of higher education not otherwise excluded under subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax under the provisions of the Internal Revenue Code;

(22) All sales made to any private not for profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for

drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term "feed additives" means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term "farm machinery" means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and one-half of each purchaser's purchase of diesel fuel therefor which is:

(a) Used exclusively for agricultural purposes;

(b) Used on land owned or leased for the purpose of producing farm products; and

(c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

(a) "Domestic use" means that portion of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification "residential" and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or his spouse if the seller or his spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on

or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created under sections 70.370 to 70.440, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided under the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural, engineering or accounting firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Bill No. 910, Page 1, In the Title, Line 2, by inserting immediately after "1995," the following: "and section 260.831 as enacted by the second regular session of the eighty-eighth general assembly in senate committee substitute for senate bill no. 662 and delivered to the governor on April 22, 1996,"; and

Further amend said bill, page 1, Section A, line 1, by inserting immediately after "1995," the following: "and section 260.831 as enacted by the second regular session of the eighty-eighth general assembly in senate committee substitute for senate bill no. 662 and delivered to the governor on April 22, 1996,"; and further amend said section, line 3, by inserting immediately after the word "sections" the following: "260.831,"; and further amend said section, line 4, by inserting immediately after said line the following:

"260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 1993, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county **and for the acquisition of real property which shall be dedicated to projects which benefit the youth of Missouri.** Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section A, Line 4, by inserting immediately after said line, the following:

"67.641. 1. The general assembly may annually appropriate up to [two] **three** million dollars from the state general revenue fund to each convention and sports complex fund created pursuant to section 67.639, provided that for an existing sports facility located in a first class county with a charter form of government which contains part of a city having a population of three hundred fifty thousand inhabitants or more or any city with a population greater than three hundred fifty thousand, located in more than one county, such county or city has entered into a contract or lease with a professional sports team affiliated with or franchised by the National Football League, the National Basketball Association, the National Hockey League, or the American League or the National League of Major League Baseball. No moneys shall be transferred under this section to the benefit of a sports complex for a county in any year unless each professional sports team which leases playing facilities within the county continue to lease the same playing facilities which were leased on August 28, 1989. Each convention and sports complex fund shall be administered by the county or city and used to carry out the provisions of sections 67.638 to 67.645.

2. Each city or county which has a convention and sports complex fund established pursuant to the laws of this state which administers a convention and sports complex fund, prior to receipt of any appropriations pursuant to this section shall enact or promulgate ordinances, or rules and regulations which provide, pursuant to the terms and provisions of section 70.859, RSMo, for the purchase of goods and services and for construction of capital improvements for the sports complex. In no event shall more than [two] **three** million dollars be transferred from the state to any one such convention and sports complex fund in any fiscal year pursuant to this section.

3. This section shall not become effective unless and until the applicable county or the applicable city which has created a convention and sports complex fund has commenced paying into the convention and sports complex fund amounts at a rate sufficient for the county or city to contribute the sum of [two] **three** million dollars per calendar year, except that this section shall become effective with respect to any first class county not having a charter form of government and with respect to any charter city located in a first class county not having a charter form of government at the time at which such county or city has commenced paying any moneys into its convention and sports complex fund. The appropriations made pursuant to subsection 1 of this section to any convention and sports complex fund shall not exceed the amounts contributed by the county or city to the fund. The county or city's proportional amount specified in this section may come from any source. Once the county or city has commenced paying such appropriate proportional amounts into its convention and sports complex fund, the county or city shall so notify the state treasurer and the director of revenue and, thereafter, subject to annual appropriation, transfers shall commence and continue each month pursuant to this section until such monthly transfers are made for thirty years. Moneys appropriated from general revenue shall not be expended until such first class charter county or a city located in such first class charter county has paid [two] **three** million dollars into its fund, or until such first class county not having a charter form of government or until such charter city within a first class county not having a charter form of government has commenced payment of moneys into its fund."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Bill No. 910, Page 1, Section 620.482, Line 7 of said page, by inserting immediately after "centers." the following: "**Such assistance may not include the lending of the state's credit for the payment of any liability of the fund.**"; and

Further amend said bill, page 9, section 3, line 9 of said page, by striking the word "and" as it appears the first time on said line and inserting in lieu thereof a comma ","; and further amend line 10 of said page, by inserting immediately after "Missouri" the following: ", **shall not be guaranteed by the credit of the state, and no certificate in default shall be paid by the state of Missouri**".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **SB 910**, with **SS**, as amended, (pending), was placed on the Informal Calendar.

Senator Melton moved that **SB 482**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 482**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 482

An Act to repeal section 476.405, RSMo 1994, relating to circuit clerks, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Melton moved that **SCS** for **SB 482** be adopted, which motion prevailed.

On motion of Senator Melton, **SCS** for **SB 482** was declared perfected and ordered printed.

SB 622 and **SB 742**, with **SCS**, were placed on the Informal Calendar.

Senator DePasco moved that **SB 887**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

At the request of Senator DePasco, **SB 887**, as amended, was placed on the Informal Calendar.

SB 618 was placed on the Informal Calendar.

Senator Curls moved that **SB 622** and **SB 742**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 622** and **742**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 622 and 742

An Act to repeal sections 32.111 and 141.750, RSMo 1994, and section 32.115, RSMo Supp. 1995, relating to taxation provisions for housing, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Curls moved that **SCS** for **SBs 622** and **742** be adopted.

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 622 and 742, Page 8, Section 141.750, Line 25, by inserting immediately after said line, the following:

"Section 1. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of revenue shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of revenue may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of revenue shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of revenue shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed two million dollars.

7. The director of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of revenue, the cumulative amount of

tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of revenue, of its apportioned tax credits during this predetermined period of time, the director of revenue may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of revenue, of their apportioned tax credits during this predetermined period of time. The director of revenue may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of revenue shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of revenue shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 2. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of revenue shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of revenue may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of revenue shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of revenue shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing

to maternity homes in any one fiscal year shall not exceed two million dollars.

7. The director of revenue shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of revenue, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of revenue, of its apportioned tax credits during this predetermined period of time, the director of revenue may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of revenue, of their apportioned tax credits during this predetermined period of time. The director of revenue may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of revenue shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of revenue shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section B. Sections 1 and 2 of this act shall become effective January 1, 1997 and shall apply to all taxable years beginning after December 31, 1996."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted.

Senator Curls raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and title of the bill.

Senator Wiggins resumed the Chair.

The point of order was referred to the President Pro Tem.

Senator Schneider raised the point of order that **SCS** for **SBs 622** and **742** is out of order in that the committee substitute contains two separate subject matters.

The point of order was referred to the President Pro Tem, who ruled it well taken, placing **SB 622** and **SB 742** on the Informal Calendar.

At the request of Senator House, **SA 1** was withdrawn, rendering the point of order raised by Senator Curls moot.

Senator Curls moved that **SB 622** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Curls, **SB 622** was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS No. 3** for **SB 852**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 28**, begs leave to

report that it has examined the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 10**, begs leave to report that it has examined the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 11**, begs leave to report that it has examined the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 12**, begs leave to report that it has examined the same and recommends that the concurrent resolution do pass.

CONCURRENT RESOLUTIONS

Senator Clay moved that **SCR 28** be taken up for adoption, which motion prevailed.

Senator Clay moved that **SCR 28** be adopted, which motion failed to receive a constitutional majority by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Graves
House	Kenney	Klarich	Maxwell
Quick	Rohrbach	Schneider	Treppler
Wiggins--17			

Nays--Senators

Caskey	Howard	Lybyer	Mathewson
Melton	Russell	Singleton	Westfall--8

Absent--Senators

Goode	Johnson	Kinder	Mueller
Sims	Staples--6		

Absent with leave--Senators

McKenna	Moseley	Scott--3
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Senator Klarich moved that **HCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **HCR 12** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Kenney	Klarich
Lybyer	Mathewson	Maxwell	Melton
Mueller	Quick	Rohrbach	Russell
Schneider	Singleton	Treppler	Westfall
Wiggins--25			

Nays--Senators--None

Absent--Senators

Curls	Goode	Johnson	Kinder
Sims	Staples--6		

Absent with leave--Senators

McKenna	Moseley	Scott--3
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MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 791** and has again taken up and passed **HB 791**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 895** and **HB 986** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in Senate Committee Amendment No. 1, as amended by House Perfecting Amendment No. 1, and has taken up and passed **HB 937**, as amended.

HOUSE PERFECTING AMENDMENT NO. 1 TO SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Bill No. 937, by striking both occurrences in said amendment of "**service organizations, veteran organizations**" and inserting in lieu of each occurrence the following: "**as defined in subdivision (11) of section 313.005, RSMo, service organizations as defined in subdivision (12) of section 313.005, RSMo, veterans' organizations as defined in subdivision (14) of section 313.005, RSMo,**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 956** and has again taken up and passed **HB 956**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SS** for **SB 687**, as amended: Representatives: Lumpe, Days, Green, Secrest, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1097**, and requests the Senate to recede from its position or failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1110** and has again taken up and passed **HB 1110**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1093** and has again taken up and passed **HB 1093**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1086** and has again taken up and passed **HB 1086**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1131** and has again taken up and passed **HB 1131**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2** to **HB 1168** and has again taken up and passed **HB 1168**, as amended.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2** to **HB 1223** and has again taken up and passed **HB 1223**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1248** and has again taken up and passed **HB 1248**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1304**, and has taken up and passed **SCS** for **HB 1304**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1355** and has again taken up and passed **HB 1355**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1359** and has again taken up and passed **HB 1359**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1369**, and has taken up and passed **SCS** for **HB 1369**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HB 1466**, and requests the Senate to recede from its position or failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1400** and has again taken up and passed **HB 1400**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1379**, and has taken up and passed **SCS** for **HB 1379**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1460** and has again taken up and passed **HB 1460**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** and concurs in **SPA 1**, and has taken up and passed **SCS** for **HB 1469**, as amended by **SPA 1**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1601** and has again taken up and passed **HB 1601**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1554** and has again taken up and passed **HB 1554**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1523**, and has taken up and passed **SCS** for **HB 1523**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1604** and has again taken up and passed **HB 1604**, as amended.

PRIVILEGED MOTIONS

Senator DePasco moved that the Senate refuse to recede from its position on **SCS** for **HB 1466** and grant the House a conference thereon, which motion prevailed.

Senator Bentley moved that the Senate refuse to recede from its position on **SCS** for **HB 1097** and grant the House a conference thereon, which motion prevailed.

Senator Ehlmann moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HB 895** and **HB 986** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 895** and **HB 986**: Senators Ehlmann, House, Rohrbach, Mathewson and Caskey.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HCS** for **HB 1146**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HCS** for **HBs 844** and **1059**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

INTRODUCTIONS OF GUESTS

Senator Schneider introduced to the Senate, forty-five seventh and eighth grade students from Corpus Christi School, St. Louis; and Katie Fingerhut, Marvin Johnson, Tim Linck and Aja Simpson were made honorary pages.

Senator Rohrbach introduced to the Senate, Mark D. Wheatley, Alicia Roling, Julie Reinkemeyer, Ashley Redel, Aidan Pritchard, Morgan Lambrecht and Emma Hickel, Jefferson City; and Alicia, Julie, Ashley, Aidan, Morgan and Emma were made honorary pages.

On behalf of Senator Mathewson, the President introduced to the Senate, Dylan Irwin, Columbia.

Senator Westfall introduced to the Senate, the Physician of the Day, Dr. Malcolm B. Oliver, M.D., Republic.

On behalf of Senator Mathewson, the President introduced to the Senate, Monica Maag, Salisbury; and Mercedes Gladbach, Keytesville.

Senator Caskey introduced to the Senate, his brother, Robert Caskey, and Lee Hoover, Windsor.

Senator Ehlmann introduced to the Senate, Leland Pitsch, Sam Summerer, Doug Wagner and eighty seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Mueller introduced to the Senate, fourth grade students from Barrets Elementary School, St. Louis; and Audrey Smart, Ryan McNealy, Ronald Whitman and Heather Croft were made honorary pages.

Senator Graves introduced to the Senate, Denise Ray and seventeen fifth and sixth grade students from North Daviess School District, Coffey.

Senator Mueller introduced to the Senate, seventy fourth grade students from Tillman Elementary School, St. Louis; and Patrick Donohue, Amanda Haverman, Jane Hisserich and Garrett Henderson were made honorary pages.

On behalf of Senator Moseley, Senator Maxwell introduced to the Senate, Cassie Harvey, Columbia.

On motion of Senator Banks, the Senate adjourned until 2:00 p.m., Monday, April 29, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-THIRD DAY--MONDAY, APRIL 29, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, no matter how well we do our work there always seems to be room for improvement. We pray that You will keep us from being satisfied, but yet at the same time, proud of what we do. Give us confidence but keep us humble. Forgive our failures but use our efforts. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, April 25, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senators Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1290, regarding Emily Kircher, St. Charles, which was adopted.

Senator House offered Senate Resolution No. 1291, regarding Dawn Kampmann, St. Charles, which was adopted.

Senator Graves offered Senate Resolution No. 1292, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Edward Owen, Maysville, which was adopted.

Senator Graves offered Senate Resolution No. 1293, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John Clark, Gallatin, which was adopted.

Senator Graves offered Senate Resolution No. 1294, regarding the Forty-fifth Wedding Anniversary of Mr. and Mrs. Virgil "V.A." Wooden, Jr., Chillicothe, which was adopted.

Senator Graves offered Senate Resolution No. 1295, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Martin Cox, Cameron, which was adopted.

Senator Graves offered Senate Resolution No. 1296, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Hudson Meighan, Spickard, which was adopted.

Senator Graves offered Senate Resolution No. 1297, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Wehrli, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1298, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William Griffith, Maitland, which was adopted.

Senator Graves offered Senate Resolution No. 1299, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Richard Brand, Hopkins, which was adopted.

Senator Graves offered Senate Resolution No. 1300, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Kunkel, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1301, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Beal, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1302, regarding Adam Brent Magee, Stewartsville, which was adopted.

Senator Kenney offered Senate Resolution No. 1303, regarding the One Hundred Fourth Birthday of Merle C. Vanscoy, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1304, regarding the One Hundred Fourth Birthday of Cecile Smith, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1305, regarding the Sixty-sixth Wedding Anniversary of Mr. and Mrs. Herbert Robinson, Lee's Summit, which was adopted.

Senator Treppler offered Senate Resolution No. 1306, regarding Earl J. Ogolin, which was adopted.

Senator Westfall offered Senate Resolution No. 1307, regarding Mrs. Sally Ann Day Stewart, Bolivar, which was adopted.

Senator Banks offered Senate Resolution No. 1308, regarding Sister Mary Antona Ebo, FSM, which was adopted.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1097**: Senators Bentley, Moseley, Scott, Sims and McKenna.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 482**; and **SB 622**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem Mathewson referred **SCS** for **SB 482** to the Committee on State Budget Control.

SENATE BILLS FOR PERFECTION

Senator DePasco moved that **SB 887**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Howard assumed the Chair.

At the request of Senator DePasco, **SB 887**, as amended, was placed on the Informal Calendar.

Senator Banks moved that **SB 781** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 781, Page 2, Section 221.105, Line 46, by inserting after "1997," the words "**up to**"; and further amend line 47, by inserting after the word "prisoner" the following: "**, subject to appropriations**".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Banks, **SB 781**, as amended, was declared perfected and ordered printed.

Senator McKenna moved that **SB 831**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 831**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 831

An Act to repeal sections 407.925, 407.927, 407.929, 407.931 and 407.932, RSMo 1994, relating to sales of tobacco products, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 831** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 831**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 831

An Act to repeal sections 407.925, 407.927, 407.929, 407.931 and 407.932, RSMo 1994, relating to sales of tobacco products, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 831** be adopted.

Senator Bentley offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 14, Section 311.925, Lines 4-22, by removing section 311.925; and further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Bentley offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, by adding after line 5, the following: "Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 17, Section 407.932, Lines 11-12, by striking "407.925 to 407.932" and inserting in lieu thereof "**311.900 to 311.925**"; and further amend said section, by removing the brackets from said section, lines 11 and 14; and further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

SA 1, as amended, was again taken up.

Senator Bentley moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken and was joined in his request by Senators Bentley, Goode, Kenney and Staples.

Senator Mueller was recognized to interrogate Senator Schneider.

Senator House raised the point of order that the debate between Senators Mueller and Schneider was out of order in that it was interrupting a roll call vote.

President Pro Tem Mathewson ruled the point of order well taken.

SA 1, as amended, was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Ehlmann	Flotron
Goode	Graves	House	Kenney

Kinder	Klarich	Lybyer	Mathewson
Melton	Moseley	Quick	Russell
Schneider	Sims	Singleton	Treppler
Wiggins--21			

Nays--Senators

Banks	DePasco	Howard	Johnson
Maxwell	McKenna	Mueller	Rohrbach
Staples	Westfall--10		

Absent--Senators

Clay	Curls--2
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Absent with leave--Senator Scott--1

President Pro Tem Mathewson resumed the Chair.

Senator McKenna offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 7, Section 311.905, Line 7, by adding after the word "shall" the following: "be deemed to be an infraction".

Senator McKenna moved that the above amendment be adopted.

Senator Melton offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 9, Section 311.907, Line 10, by adding after the word "be" the following: "guilty of an infraction and"; and further amend said section on page 9, line 11, by deleting the words "one hundred" and substituting therefor the word "twenty-five"; and further amend said section on page 9, line 11, by deleting the words "two hundred" and substituting therefor the word "fifty".

Senator Melton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Banks offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 17, Section 1, Line 15, by inserting immediately after said line the following:

"Section 1. Any person charged with enforcing sections 311.900 to 311.918 shall issue a summons to the person or persons believed to have violated said sections and shall not, due solely to said violation or violations, arrest

any person."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 7, Section 311.905, Line 7, by inserting after the word "shall" the following: "**be an infraction and**".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Schneider offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 831, Page 7, Section 311.907.5, Line 24, by inserting after the word "employee" the words: "and the employer and/or proprietor"; and amend page 8, section 311.907.5, lines 2 to 4, by striking said lines.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 831**, as amended, be adopted, which motion prevailed.

Senator McKenna moved that **SS** for **SCS** for **SB 831**, as amended, be declared perfected and ordered printed.

Senator Schneider requested a roll call vote be taken and was joined in his request by Senators Caskey, Ehlmann, Melton and Wiggins.

SS for **SCS** for **SB 831**, as amended, was declared perfected and ordered printed by the following vote:

Yeas--Senators

Banks	Curls	DePasco	Ehlmann
Flotron	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Sims	Singleton
Staples	Westfall--22		

Nays--Senators

Bentley	Caskey	Clay	House
Lybyer	Moseley	Russell	Schneider
Wiggins--9			

Absent--Senators

Goode

Treppler--2

Absent with leave--Senators Scott--1

Senator Moseley moved that **SB 695**, with **SCA 1**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 695, Page 2, Section 315.069, Line 19, by inserting after the word "card" "use of a credit card by person under the age of 18 years shall be deemed a waiver of any defense based upon the age of such person as may be raised by the minor or the person authorizing the use of the credit card".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 695, Page 1, Section 315.067, Line 1, by adding after the word "hotel" on said line the following: ", and the term 'hotel' used in this act, shall include all the 'lodging establishments' defined in Section 315.005(4),".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **SB 695**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Michael W. Chappelow, Democrat, 3827 SW Ward Road, Lee's Summit, Jackson County, Missouri 64082, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 2000, and until his successor is duly appointed and qualified; vice,

reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

David Alan Day, Republican, 12850 Carter Lane, Dixon, Pulaski County, Missouri 65459, as a member of the Hazardous Waste Management Commission of the State of Missouri, for a term ending April 3, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ford W. Hughes, Democrat, Post Office Box 425, St. James, Phelps County, Missouri 65559, as a member of the Land Reclamation Commission, for a term ending September 28, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Geraldine W. Johnson, Democrat, 826 Old Bonhomme Road, St. Louis, St. Louis County, Missouri 63132, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2001, and until her successor is duly appointed and qualified; vice, Rochelle Nwadiibia, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Reverend Nelson J. Parnell, Democrat, 2332 E. Cardinal, Springfield, Greene County, Missouri 65804, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, for a term ending November 1, 1998 and until his successor is duly appointed and qualified; vice, RSMo 208.533.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Joy L. Osbourn, 509 South Border, Monroe City, Monroe County, Missouri 63456, as a member of the Missouri Training and Employment Council, for a term ending August 28, 1998, and until her successor is duly appointed and qualified; vice, Karen Pletz, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 25, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynn C. Tatlow, 15 Silo Lane, Villa Ridge, Franklin County, Missouri 63089, as a member of the Missouri State Council on Vocational Education, for a term ending April 1, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William H. (Bill) Stuart, Republican, 1530 E. Rollins, Moberly, Randolph County, Missouri 65270, as a member of the State Board of Embalmers and Funeral Directors, for a term ending April 1, 2001, and until his successor is duly appointed and qualified; vice, Louis H. (John) Bopp, II, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Philip B. Sayer, Democrat, Route 2 Box 78, Galt, Grundy County, Missouri 64641, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2000, and until his successor is duly appointed and qualified; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Brian J. Robb, D.O., 506 Kings Ridge, Liberty, Clay County, Missouri 64058, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, Dr. Michael Wilson, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wildie L. Webster, Republican, 17 Goode Drive, Fenton, St. Louis County, Missouri 63026, as a member of the Missouri Fire Education Commission, for a term ending April 26, 1998, and until his successor is duly appointed and qualified; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Willard H. Halmich, Democrat, 905 West 9th Street, Washington, Franklin County, Missouri 63090, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2000, and until his successor is duly appointed and qualified; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ray D. Jagger, Democrat, Route 5, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Fire Education Commission, for a term ending April 26, 1999, and until his successor is duly appointed and qualified; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Clint E. Mitchell, Republican, 1714 Ankney Place, Neosho, Newton County, Missouri 64850, as a member of the Missouri Fire Education Commission, for a term ending April 26, 1999, and until his successor is duly appointed and qualified; vice, House Bill 452.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kathleen C. Bargeon, 10 Walnut Park Court, St. Peters, St. Charles County, Missouri 63376, as a member of the Child Abuse and Neglect Review Board, for a term ending April 28, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert M. Clayton, II, Democrat, 905 Cardiff Drive, Hannibal, Marion County, Missouri 63401, as a member of the Gaming Commission, for a term ending April 29, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dr. Debra A. Howenstine, 5065 N. Clearview Road, Columbia, Boone County, Missouri 65202, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cynthia A. Rushefsky, 1316 E. Grand, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Peter M. Schloss, 19200 Neth Road, Trimble, Clay County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until his successor is duly appointed and qualified; vice, Jean Goldstein, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Robert L. Wolfson, Democrat, 816 S. Hanley Road, Apartment 8D, Clayton, St. Louis County, Missouri 63105, as a member of the Gaming Commission for a term ending April 29, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Laura Fitzmaurice-Amick, M.D., 4301 Hickory Lane, Blue Springs, Jackson County, Missouri 64015, as a member of the Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William L. Farr, Jr., Route 1 Box 103D, Marionville, Lawrence County, Missouri 65705, as the Missouri State Fire Marshal, for a term ending at the pleasure of the Governor; vice, Gail L. Chatfield, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Herbert W. Martin, Democrat, 606 W. Red Bridge Road, Kansas City, Jackson County, Missouri 64114, as a member of the Worker's Compensation Determination Review Board, for a term ending March 3, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harold E. Richardson, 1798 Scenic Drive, Festus, Jefferson County, Missouri 63028, as a member of the Advisory Council on Emergency Medical Services, for a term ending January 5, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 29, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roy C. Wilson, M.D., 230 North Newstead, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 1996, and until his successor is duly appointed and qualified; vice, Keith Schafer, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HB 1097**: Representatives: Hosmer, Schilling, Smith, Wooten, Murray (135).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 895** and **HB 986**: Representatives: Ostmann, Luetkenhaus, Kissell, Dougherty, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HB 1466**: Representatives: Rizzo, Crump, Fitzwater, Legan, Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1237**, entitled:

An Act to repeal sections 67.641, 67.1000, 135.350, 135.403, 135.405, 137.100, 274.030, 274.220, 274.230, 620.014, 620.158 and 620.1039, RSMo 1994, and sections 71.012, 100.296, 108.510, 135.100, 135.110, 135.207, 135.225, 135.230, 135.245, 135.247, 135.326 and 447.708, RSMo Supp. 1995, and both versions of section 135.400, RSMo Supp. 1995, as enacted in house bill no. 414 and in senate bill no. 445 by the eighty-eighth general assembly, relating to economic development, and to enact in lieu thereof fifty-one new sections relating to the same subject, with an effective date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 1199, 1357 and 1393**, entitled:

An Act to repeal sections 70.820 and 544.170, RSMo 1994, and sections 544.157 and 590.123, RSMo Supp. 1995, relating to law enforcement officers' training and powers of arrest, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Senator Quick assumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 1466**: Senators DePasco, Johnson, Mathewson, Westfall and Mueller.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

HB 1380--Appropriations.

HJR 57--Corrections and General Laws.

HCS for **HBs 1557 and 1489**--Elections, Pensions and Veterans' Affairs.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1309, regarding Representative Annette Morgan, Kansas City, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 26, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 883 entitled:

"AN ACT"

To repeal sections 376.854, 376.859, 376.864, 376.869, 376.879 and 376.886, RSMo 1994, relating to medicare supplement insurance, and to enact in lieu thereof six new sections relating to the same subject, with an emergency clause.

On April 26, 1996, I approved said Senate Bill No. 883.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Wiggins introduced to the Senate, Ann Vering, Sara Brown, Marta Williamson, Joyce Ward, Bunny Gonzalez, Jim Lowry and girl scouts from St. Elizabeth School, South Kansas City; and Vickie Ward, Anna and Katie Sasseen, Miki Shatto, Kate Hogsett, Rachel Pope, Katie Brown, Veronica Bryant, Jaime O'Sullivan, Cathy Vering, Ashley Williamson, Angela Hendrickson, Kyle Jakopchek and Erin Rios were made honorary pages.

Senator Maxwell introduced to the Senate, the Physician of the Day, Dr. Jim McDowell, Mexico.

Senator Caskey introduced to the Senate, Terry Fisher, Becky Browning, and third and fourth grade students from Appleton City School, Appleton City.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FOURTH DAY--TUESDAY, APRIL 30, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Jesus asked, "What shall it profit a man if he gain the whole world and lose his own soul?" Lord, we ask courage that we not sell out to the highest bidder, for strength that we yield not to the greatest pleasure, and for wisdom that we not accept the expedient solution. May we not overlook an orchid while searching for a rose. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS No. 2 for **HCS** for **HB 1186**--Financial and Governmental Operations.

HS for **HCS** for **HB 1237**--Agriculture and Local Government.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SCS** for **SB 831**; **SB 781**; and **SB 695**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 781** to the Committee on State Budget Control.

HOUSE BILLS ON THIRD READING

HB 1295, introduced by Representative Gunn, et al, entitled:

An Act to amend chapter 41, RSMo, relating to military affairs, by adding thereto one new section relating to the search of persons upon military facilities.

Was called from the Consent Calendar and taken up by Senator Maxwell.

On motion of Senator Maxwell, **HB 1295** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senator Graves--1

Absent--Senators

Curls	Scott	Treppler--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HS for HCS for HBs 1069, 794, 807, 936, 1128, 1153 and 1202, with SCS, entitled:

An Act to repeal section 376.995, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of providing insurance coverage of certain inpatient maternity benefits.

Was taken up by Senator Banks.

SCS for HS for HCS for HBs 1069, 794, 807, 936, 1128, 1153 and 1202, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1069, 794, 807, 936, 1128, 1153 and 1202

An Act to repeal section 376.995, RSMo 1994, and to enact in lieu thereof two new sections for the purpose of providing insurance coverage of certain inpatient maternity benefits.

Was taken up.

Senator Banks moved that **SCS for HS for HCS for HBs 1069, 794, 807, 936, 1128, 1153 and 1202** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1069, 794, 807, 936, 1128, 1153 and 1202, Page 3, Section 376.1210, Line 11, by adding after the word "delivery" the following: "where medically necessary and indicated as determined by a qualified physician".

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Kenney, Melton and Staples.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Graves	House	Kenney
Kinder	Klarich	Melton	Rohrbach
Russell--9			

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Howard

Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Schneider	Scott	Sims	Staples
Treppler	Westfall	Wiggins--23	
	Absent--Senators		
Flotron	Singleton--2		
	Absent with leave--Senators--None		

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1069, 794, 807, 936, 1128, 1153 and 1202, Page 3, Section 376.1210, Line 9, by inserting immediately after the word "**for**" as it first appears, the following: "**in-home care provided by those licensed pursuant to section 334.260, RSMo, and coverage for**".

Senator Klarich moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and title of the bill.

President Pro Tem Mathewson ruled the point of order not well taken.

SA 2 was again taken up.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

President Wilson in the Chair.

Senator Wiggins assumed the Chair.

Senator Banks moved that **SCS** for **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153** and **1202** be adopted, which motion prevailed.

On motion of Senator Banks, **SCS** for **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153** and **1202** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell

Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32
	Nays--Senators		
Klarich	Rohrbach--2		
	Absent--Senators--None		
	Absent with leave--Senators--None		

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

HCS for HBs 904, 788 and 966, with SCS, entitled:

An Act to repeal section 376.995, RSMo 1994, and section 167.181, RSMo Supp. 1995, and to enact in lieu thereof five new sections for the purpose of improving access to immunizations for children.

Was taken up by Senator Quick.

SCS for HCS for HBs 904, 788 and 966, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 904, 788 and 966

An Act to repeal section 376.995, RSMo 1994, and section 167.181, RSMo Supp. 1995, and to enact in lieu thereof four new sections for the purpose of improving access to immunizations for children.

Was taken up.

Senator Quick moved that **SCS for HCS for HBs 904, 788 and 966** be adopted.

Senator Quick offered **SA 1:**

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 904, 788 and 966, Page 5, Section 1, Line 22, by inserting after the words: "long-term care policies," the following: "coverage issued as a supplement to liability insurance, short-term major medical policies of six months or less duration".

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 904, 788 and 966, Page 5, Section 1, Line 29, by inserting at the end of said line the following:

"6. No health care provider shall charge more than one hundred percent of the reasonable and customary charges for providing any immunization."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 904, 788 and 966, Page 6, Section 2, Line 45, by deleting the word "fifteen", and inserting in lieu thereof, "forty-five".

Senator Kenney moved that the above amendment be adopted.

At the request of Senator Kenney, **SA 3** was withdrawn.

Senator Kenney offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 904, 788 and 966, Page 6, Section 2, Lines 43-45, by deleting all of said lines.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Quick moved that **SCS** for **HCS** for **HBs 904, 788 and 966**, as amended, be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **HCS** for **HBs 904, 788 and 966**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Schneider	Scott	Sims	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Klarich	Rohrbach--2
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Absent--Senator Singleton--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Maxwell moved that motion lay on the table, which motion prevailed.

HB 1055, introduced by Representative Overschmidt, entitled:

An Act to repeal section 208.010, RSMo 1994, relating to public assistance benefits, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Maxwell.

Senator Quick assumed the Chair.

Senator Russell offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154, by inserting immediately after said line, the following:

"Section 1. 1. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Such test may be requested by the director of the department of social services or the prosecuting attorney of the county in which the person resides or may be found. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, shall, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be declared ineligible for all public assistance benefits of a period of three years from the date of the administrative hearing.

2. The director shall promulgate rules to effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 2. Any public assistance recipient who has been found guilty or who has pleaded guilty to a violation of any provision of chapter 195, RSMo, shall be ineligible to receive public assistance benefits, under the provisions of chapter 208, RSMo, for a period of time, to be determined by the sentencing judge. Such period of ineligibility shall not exceed five years."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 1** is out of order in that it goes beyond the scope and title of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Curls offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1055, Page 5, Line 154, by inserting immediately after all of said line the following:

"208.169. 1. Notwithstanding other provisions of this chapter, including but not limited to sections 208.152, 208.153, 208.159 and 208.162:

(1) There shall be no revisions to a facility's reimbursement rate for providing nursing care services under this chapter upon a change in ownership, management control, operation, stock, leasehold interests by whatever form for any facility previously licensed or certified for participation in the medicaid program. Increased costs for the successor owner, management or leaseholder that result from such a change shall not be recognized for purposes of reimbursement;

(2) In the case of a newly built facility or part thereof which is less than two years of age and enters the Title XIX program under this chapter after July 1, 1983, a reimbursement rate shall be assigned based on the lesser of projected estimated operating costs or one hundred ten percent of the median rate for the facility's class to include urban and rural categories for each level of care including ICF only and SNF/ICF. The rates set under this provision shall be effective for a period of twelve months from the effective date of the provider agreement at which time the rate for the future year shall be set in accordance with reported costs of the facility recognized under the reimbursement plan and as provided in subdivisions (3) and (4) of this subsection. Rates set under this section may in no case exceed the maximum ceiling amounts in effect under the reimbursement regulation;

(3) Reimbursement for capital related expenses for newly built facilities entering the Title XIX program after March 18, 1983, shall be calculated as the building and building equipment rate, movable equipment rate, land rate, and working capital rate.

(a) The building and building equipment rate will be the lower of:

a. Actual acquisition costs, which is the original cost to construct or acquire the building, not to exceed the costs as determined in section 197.357, RSMo; or

b. Reasonable construction or acquisition cost computed by applying the regional Dodge Construction Index for 1981 with a trend factor, if necessary, or another current construction cost measure multiplied by one hundred eight percent as an allowance for fees authorized as architectural or legal not included in the Dodge Index Value, multiplied by the square footage of the facility not to exceed three hundred twenty-five square feet per bed, multiplied by the ratio of forty minus the actual years of the age of the facility divided by forty; and multiplied by a return rate of twelve percent; and divided by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

(b) The maximum movable equipment rate will be fifty-three cents per bed day.

(c) The maximum allowable land area is defined as five acres for a facility with one hundred or less beds and one additional acre for each additional one hundred beds or fraction thereof for a facility with one hundred one or more beds.

(d) The land rate will be calculated as:

a. For facilities with land areas at or below the maximum allowable land area, multiply the acquisition cost of the land by the return rate of twelve percent, divide by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

b. For facilities with land areas greater than the maximum allowable land area, divide the acquisition cost of the land by the total acres, multiply by the maximum allowable land area, multiply by the return rate of twelve percent, divide by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

(e) The maximum working capital rate will be twenty cents per day;

(4) If a provider does not provide the actual acquisition cost to determine a reimbursement rate under subparagraph a. of paragraph (a) of subdivision (3) of subsection 1 of this section, the sum of the building and building equipment rate, movable equipment rate, land rate, and working capital rate shall be set at a reimbursement rate of six dollars;

(5) For each state fiscal year a negotiated trend factor shall be applied to each facility's Title XIX per diem reimbursement rate. The trend factor shall be determined through negotiations between the department and the affected providers and is intended to hold the providers harmless against increase in cost. In no circumstances shall the negotiated trend factor to be applied to state funds exceed the health care finance administration market basket price index for that year. The provisions of this subdivision shall apply to fiscal year 1996 and thereafter.

2. The provisions of subdivisions (1), (2), (3), and (4) of subsection 1 of this section shall remain in effect until July 1, 1989, unless otherwise provided by law.

[3. The provisions of this section shall not apply in any respect for any reason to any intermediate care facility exclusively for the mentally retarded/developmentally disabled which entered the Title XIX program after July 1, 1983.]; and

Further amend said bill, in the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 2** is out of order in that the amendment goes beyond the purpose and scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Russell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154, by inserting immediately after said line, the following:

"Section 1. 1. Any person receiving public assistance benefits pursuant to chapter 208, RSMo, is deemed to have consented to a drug test to detect the use of controlled substances. Said test may be requested by the director of the department of social services or the prosecuting attorney of the county in which the person resides or may be found. Any public assistance recipient who is found to have tested positive for the use of a controlled substance, which was not prescribed for such recipient by a licensed physician or dentist, shall, after an administrative hearing conducted pursuant to the provisions of chapter 536, RSMo, be declared ineligible for all public assistance benefits of a period of three years from the date of the administrative hearing.

2. The director shall promulgate rules to effectuate the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 2. Any public assistance recipient who has been found guilty or who has pleaded guilty to a violation of any provision of chapter 195, RSMo, shall be ineligible to receive public assistance benefits, under the provisions of chapter 208, RSMo, for a period of time, to be determined by the sentencing judge. Such period of ineligibility shall not exceed five years."; and

Further amend the title and enacting clause accordingly.

Senator Russell moved that the above amendment be adopted.

Senator Johnson assumed the Chair.

Senator Sims offered **SA 1** to **SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to House Bill No. 1055, Page 1, by inserting on line 11 after the word "RSMo", "be admitted to a drug rehabilitation program and if pregnant, a pre- natal care program or".

Senator Sims moved that the above amendment be adopted.

Senator McKenna assumed the Chair.

At the request of Senator Maxwell, **HB 1055**, with **SA 3** and **SA 1** to **SA 3** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1310, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Marvin Staley, Garden City, which was adopted.

Senator Russell offered Senate Resolution No. 1311, regarding the Marshfield Lady Jays Championship Basketball Team, which was adopted.

Senator Scott offered Senate Resolution No. 1312, regarding Megan Lockett, Webster Groves, which was adopted.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Ehlmann offered Senate Resolution No. 1313, regarding Troy Robertson, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1314, regarding Liz Dietz, St. Charles, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1315, regarding Tiffany Vehige, Wentzville, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1316, regarding Donna Simon, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1317, regarding Austin Bredow, St. Charles, which was adopted.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1619**, **HB 1346** and **HB 766**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and

passed **SJR 32**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 24**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 25**.

HOUSE BILLS ON THIRD READING

HB 974, with **SCS**, introduced by Represen-tative Gaw, et al, entitled:

An Act to repeal sections 557.036, 558.018, 558.021, 559.115, 566.010, 566.030, 566.034, 566.060 and 589.015, RSMo 1994, relating to sex offenders, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Sims.

SCS for **HB 974**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 974

An Act to repeal sections 577.036, 558.018, 558.021, 559.115, 566.010 and 589.015, RSMo 1994, and sections 566.607 and 566.610, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Sims moved that **SCS** for **HB 974** be adopted.

Senator Sims offered **SS** for **SCS** for **HB 974**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 974

An Act to repeal sections 557.036, 558.018, 558.021, 559.115, and 589.015, RSMo 1994, and sections 566.607 and 566.610, RSMo Supp. 1995, relating to sex offender sentencing, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Senator Sims moved that **SS** for **SCS** for **HB 974** be adopted.

Senator Wiggins resumed the Chair.

On motion of Senator Sims, **SS** for **SCS** for **HB 974** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Maxwell moved that **HB 1055**, with **SA 3** and **SA 1** to **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 to **SA 3** was again taken up.

At the request of Senator Sims, the above amendment was withdrawn.

SA 3 was again taken up.

At the request of Senator Russell, the above amendment was withdrawn.

Senator Maxwell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154, by inserting immediately after said line, the following:

"Section 1. AFDC and food stamp recipients, who are required to participate in a work activity in order to retain their eligibility and who are denied employment due to failing an employer required controlled substance screening, shall have thirty days to become employed with the screening employer or obtain other employment. Denial of employment after failing a controlled substance screening and failure to become employed within thirty days of the screening shall result in a recalculation of the AFDC and food stamp benefits for the household without considering the needs of the caretaker recipient.

Section 2. The suspension of caretaker benefits shall be imposed until the caretaker becomes employed or is actively engaged in community work experience. The recipient shall have the right to a review with the director of the division of family services or the director's designee if a sanction is imposed.

Section 3. The director of the department of social services shall apply to the United States Secretary of Health and Human Services for waivers required to implement the provisions of this section."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Staples assumed the Chair.

Senator Ehlmann offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154, by inserting immediately after said line, the following:

"Section 1. In order to promote diverse approaches to the problems of poverty and to encourage maximum local participation and volunteerism, the "Community Partner-ship Program" is hereby created.

Section 2. As used in sections 1 to 16, the following terms shall mean:

(1) "Qualified individuals", any individual who receives any cash or in-kind payment, or any other benefit administered by the division of family services;

(2) "Community partnership organization", any:

(a) Charitable organization as defined in section 407.453, RSMo;

(b) Not for profit corporation established pursuant to chapter 355, RSMo;

(c) Benevolent association established pursuant to chapter 352, RSMo;

(d) Governmental body;

(e) Organization that has obtained an exemption from the payment of federal income taxes as provided in section 501 (c) (3), 501 (c) (7) or 501 (c) (8) of Title 26, United States Code, as amended;

(f) Religious or educational organization exempt from taxation pursuant to the Missouri or United States Constitution; or

(g) Combination of paragraphs (a) to (g) of subdivision (2) of this section;

which chooses to dispense welfare benefits to qualified individuals, and meets the requirements set forth in section 11 of this act;

(3) "Director", the director of the division of family services;

(4) "Division", the division of family services;

(5) "Program", the community partnership program established pursuant to this act;

(6) "Benefit", the cash, in-kind, or other benefit payment to which a qualified individual is entitled.

Section 3. The provisions of chapter 208, RSMo, to the contrary notwithstanding, qualified individuals may participate in the community partnership program as established in sections 1 to 16 of this act.

Section 4. Those qualified individuals who elect to participate in the program shall enter into a contractual agreement with a community partnership organization of the qualified individual's choosing for the purpose of distributing benefits and providing services pursuant to section 7 of this act. No qualified individual shall enter into more than one contractual arrangement with a community partnership organization concurrently.

Section 5. 1. The division shall:

(1) Determine and publicly disclose the gross amount of public assistance to be dispersed for aid to families with dependent children, and the total costs for administering said assistance as a percentage of said gross amount;

(2) Calculate the benefits to be distributed to qualified individuals who choose to participate in the program in the same manner as the benefits distributed to those individuals who elect not to participate;

(3) Not reduce the monthly cash benefits of those who elect not to participate in the program based upon the amount of moneys transferred to the community partnership program fund pursuant to this section;

(4) Not set a benefit amount for qualified individuals who elect to participate in a community partnership program that is less than the benefit amount of those who do not participate in the program;

(5) Develop standardized forms for the contractual agreements between the division and community partnership organizations and between qualified individuals and community partnership organizations;

(6) Provide qualified individuals with information on a regular basis of any community partnership organizations available within the geographical area of the qualified individual;

(7) Establish a hotline for qualified individuals to register complaints on community partnership organizations for noncompliance of the terms of duly executed contractual arrangements.

2. Payments to implement sections 1 to 16 of this act shall be made from the community partnership program fund created in section 13 of this act.

Section 6. Any community partnership organization may contract with the division to distribute benefits to qualified individuals who elect to participate in a community partnership program.

Section 7. Any community partnership organization, in establishing and maintaining a community partnership program, may:

(1) Charge qualified individuals who choose to participate a fee for the provision of services equal to the amount of the community partnership organization's administrative costs for providing said services; however,

the community partnership organization shall not charge a fee which as a percentage of the benefits distributed exceeds ten percent;

(2) Supplement the benefits to which a qualified individual, who has entered into an agreement with the community partnership organization pursuant to section 4 of this act, with additional cash grants, gifts, or services, including, but not limited to, the following:

- (a) Child day care in a child day care center;**
- (b) Job training;**
- (c) Transportation;**
- (d) Food or household necessities;**
- (e) Remedial education;**
- (f) Domestic skills training;**
- (g) Parenting instruction;**
- (h) Health benefits.**

Section 8. As a condition of the receipt of benefits or any other support provided by a community partnership organization, including those services set out in section 7 of this act, a community partnership organization may require qualified individuals to meet any additional standards, except that the community partnership organization may not require the qualified individual to:

- (1) Perform any illegal act; or**
- (2) Attend any religious worship service.**

Section 9. Qualified individuals who fail to meet the requirements of a duly executed contractual agreement with a community partnership organization shall forfeit to the division, upon a fifteen-day notice to the qualified individual and the division, any increase in their benefit provided for in section 13 of this act over that which the qualified individual would otherwise receive and shall forfeit to the community partnership organization any other supplemental support provided by the community partnership organization pursuant to section 7 of this act. The forfeiture shall continue until a qualified individual is deemed by the community partnership organization under terms established by the division or by the division to be in compliance with the provisions of the contractual agreement, or until the contract is terminated by the qualified individual or the community partnership organization pursuant to section 10 of this act. If a contractual agreement between a community partnership organization and a qualified individual is terminated, the qualified individual shall be deemed to be a nonparticipant in the program for a period of thirty days or until the said qualified individual enters or re-enters into a contractual agreement with a community partnership organization, whichever is less. Those recipients deemed to be nonparticipants due to termination of a contract shall receive benefits as otherwise provided for by law.

Section 10. Every duly executed contractual agreement between a qualified individual and a community partnership organization shall contain a provision allowing the qualified individual or the community partnership organization the right to rescind the agreement upon thirty days notice to the division and to all parties to the said contractual agreement.

Section 11. The division shall require community partnership organizations to meet the following conditions before entering into or re-entering into any contractual agreement with the division for the provision of services pursuant to section 7 of this act:

- (1) Meet the definition established in section 2 of this act for community partnership organizations;**
- (2) Be in existence for a period of at least one year before they are eligible for the program;**
- (3) Demonstrate to the division, through a written report, the services that are to be provided;**
- (4) Allow audits of benefits distributed pursuant to sections 4 and 5 of this act;**
- (5) Agree that the community partnership organization will not discriminate on the basis of race, religion, or national origin; and**
- (6) Establish and maintain a system for addressing the grievances of those qualified individuals affected by the contract with the division.**

Section 12. Community partnership organizations may actively seek private donations to support and supplement a community partnership program. Any citizen of Missouri may claim a tax credit if provided for by an appropriation by the general assembly; however, the amount appropriated for the tax credit, if any, shall not be less than the savings realized by the division as a result of the program established by this act.

Section 13. The "Community Partnership Program Fund" is hereby created in the state treasury to support the provisions of sections 1 to 16 of this act. Moneys shall be appropriated to the fund to provide benefits to qualified individuals that are at least equal to the benefits that such individuals would otherwise receive plus an amount at least equal to ten percent of the total amount transferred or the amount of savings resulting from implementation of the program. Moneys in the community partnership program fund that are not required to meet or augment the community partnership program funding requirements of the state in any fiscal year shall be invested by the state treasurer in the same manner as other surplus funds are invested. Interest, dividends and moneys earned on such investments shall be credited to the community partnership program fund. Such fund may also receive gifts, grants, contributions, appropriations and funds or benefits from any other source or sources, and make investments of the unexpended balances thereof.

Section 14. 1. There is hereby created the "Community Partnership Advisory Council" to make recommendations to the division on ways to improve and expand the program. The council shall be composed of seven members, consisting of the lieutenant governor, the director of social services, the director of family services, or their representatives, and four members of the public who are active participants in a community partnership organization. The four members of the public shall be appointed by the governor with the advice and consent of the senate, and no more than two shall be of the same political party. The chair of the council shall be the lieutenant governor. Council members appointed by the governor shall serve four-year terms or until their successor is duly appointed and qualified.

2. The advisory council shall meet as necessary, but at least twice yearly, to review activities of the commission, present recommendations in writing to the governor and the general assembly as requested or as necessary to ensure adequate exchange of information, and meet within four weeks after the initial members have been appointed. Four of the members constitute a quorum and no action shall be taken without the concurrence of four of the members.

Section 15. The division may promulgate rules and regulations necessary to carry out the provisions of this act pursuant to section 536.024, RSMo.

Section 16. This act shall become effective when the state receives federal block grant funding which may be expended pursuant to this act or on the first day of the first calendar quarter after the director notifies the revisor of statutes that a waiver has been approved."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 5** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Bill No. 1055, Page 1, Section 208.010, Line 1, by inserting immediately before said line, the following:

"191.809. The provisions of section 191.807, RSMo, authorizing the "Special Supplemental Food Program for Women, Infants and Children" ("WIC") in Missouri, as authorized by the federal Child Nutrition Act of 1966, as amended, Section 17, Public Law 92-433, shall expire on September 1, 1998.

205.959. The provisions of sections 205.960 to 205.965, RSMo, authorizing the Missouri "Food Stamps" program, as authorized by the federal Food Stamp Act of 1977, as amended, Public Law 95-113, and the Missouri "Commodity Supplemental Food Program", as authorized by the federal Agriculture and Consumer Protection Act of 1973, Sections 4(a) and 5, as amended, Public Law 93-86, shall expire on September 1, 1998."; and

Further amend said bill, page 5, section 208.010, line 154, by inserting immediately after said line, the following:

"208.016. The provisions of section 208.010, RSMo, and section 208.015, RSMo, authorizing the "General Relief" program, shall expire on September 1, 1996.

208.038. The provisions of section 208.040, RSMo, and section 208.041, RSMo, authorizing the Missouri "Aid to Families with Dependent Children" program ("AFDC"), as authorized by the federal Social Security Act, as amended, Title I, Title IV, Part A, Title X, Title XIV, Title XVI (AABD), Title II, Public Laws 97-35, 97-248, 97-300, 98-369 and 100-485, shall expire on July 1, 1998.

208.427. The provisions of sections 208.400 to 208.425, RSMo, authorizing the "Job Opportunities and Basic Skills Training" program ("JOBS" or "FUTURES"), shall expire on September 1, 1997.

208.515. The department of social services' authority to accept those payments for child care assistance authorized by the federal Child Care and Development Block Grant Act of 1990 and the Omnibus Budget Reconciliation Act of 1990, Section 5082, Public Law 101-508, as amended, shall expire on July 1, 1999.

208.516. The department of social services' authority to accept those social services block grants authorized by the federal Social Security Act, Title XX, as amended, shall expire on July 1, 1999.

620.038. The provisions of section 620.1037, RSMo, authorizing the "Twenty-first Century Communities Demonstration Project", shall expire on July 1, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 6** is out of order in that the amendment goes beyond the purpose and scope of the bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Ehlmann, **SA 6** was withdrawn, rendering the point of order moot.

Senator Quick resumed the Chair.

Senator Flotron offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154 by inserting immediately after said line, the following:

"208.314. 1. Sections 208.314 to 208.318 shall be known as the "Missouri Option Program".

2. As used in sections 208.314 to 208.318 the following terms mean:

(1) "Department", the department of social services;

(2) "Division", the division of family services;

(3) "Missouri option program", a comprehensive welfare payment system that provides incentive for recipients to seek and retain employment. The Missouri option program would not disqualify a recipient from receiving assistance until such time as the recipient's total income is equal to the total monetary value of the benefit packages that individual is currently receiving. However, any recipient who leaves the program within the first six months of the program shall have their AFDC, food stamp and medicaid benefits recalculated for the household without considering the needs of the caretaker recipient. The suspension of caretaker benefits shall be imposed until the caretaker becomes employed. The Missouri option program shall be formulated in the following model:

(a) A determination of the cash value of each recipient's families total benefit package currently being provided by state and federal public assistance programs. The total benefit package shall include but not be limited to: AFDC, food stamps, Medicaid insurance and child care. This is the base amount a recipient would have to earn in order to be provided with an economic incentive to remain out of the public assistance programs; and

(b) From this base the division shall formulate a payment system for welfare benefits which will continually offer an economic incentive for qualified individuals to earn an income, keep a percentage of this income and eventually end the need for public assistance. The payment system shall allow qualified individuals to keep a percentage of their earned private income with the remainder going to the state through a reduction in benefits;

(4) "Recipient", any individual who receives a cash payment benefit for aid to families with dependent children as defined in sections 208.040, 208.041, 208.042, 208.043, 208.044, 208.047, RSMo and any individual who qualifies to receive medical assistance under section 208.151, RSMo and who are work eligible as defined in section 208.042.

208.318. 1. Beginning July 1, 1997, the division shall establish the Missouri option program. This program shall be established in at least one county in the northwest, northeast, southwest and southeast quadrants of the state and may be established in more areas as determined by the division.

2. The division shall enroll qualified individuals who apply for the program in the Missouri option program. The division may target AFDC households which meet at least one of the following criteria:

(1) Are participating in the FUTURES program; or

(2) Are parents whose oldest child is ten years of age, or less; and

(3) Anyone else who applies to the program.

3. Upon enrollment in the Missouri option program, a household shall receive an initial assessment of the

family's total benefit package. Each household shall be reviewed at least annually.

4. Subject to appropriations and necessary waivers, the department may disregard a recipient's gross earned income for job-related income for the first six months of participation in the program. Upon the completion of six months employment, the division will begin to charge the recipient a percentage of their private income in exchange for the entire benefit package. The total benefits would remain the same until the point at which a recipient earns an amount equal to the entire benefits package, however as the recipient's income grows they would be charged a greater percentage of the cost for the total benefit package.

5. Leaving the Missouri option program, within the first six months, shall result in a recalculation of the AFDC, food stamp and medicaid benefits for the household without considering the needs of the caretaker recipient. The suspension of caretaker benefits shall be imposed until the caretaker becomes employed. A recipient who has left the program after the first six months shall not be eligible to rejoin the program at a later date.

6. The division must give preference to a person enrolled in the Missouri option program and that are otherwise eligible to receive for assistance to day care services.

7. By January 1, 2000 the division shall submit documentation to the speaker of the house of representatives and the president pro tem of the senate on the success or failure of the Missouri option program. The general assembly may recommend statewide implementation or cancellation of the Missouri option program based on the success or failure of the program established in sections 208.314 to 208.318."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Maxwell raised the point of order that SA 7 is out of order in that the amendment goes beyond the purpose and scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

Senator Flotron moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Kinder, Melton, Mueller and Westfall.

SA 7 failed of adoption by the following vote:

Yeas--Senators

Bentley	Curls	Ehlmann	Flotron
Graves	House	Kenney	Kinder
Klarich	Melton	Mueller	Rohrbach
Russell	Singleton	Treppler	Westfall--16

Nays--Senators

Banks	Caskey	Clay	DePasco
Goode	Howard	Johnson	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Schneider	Scott	Wiggins--16

Absent--Senators

Sims

Staples--2

Absent with leave--Senators--None

Senator Ehlmann offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend House Bill No. 1055, Page 1, Section 208.010, Line 1, by inserting immediately before said line, the following:

"191.809. No one shall be eligible under the provisions of section 191.807, RSMo, authorizing the "Special Supplemental Food Program for Women, Infants and Children" ("WIC") in Missouri, as authorized by the federal Child Nutrition Act of 1966, as amended, Section 17, Public Law 92-433, after September 1, 1998.

205.959. No one shall be eligible under the provisions of sections 205.960 to 205.965, RSMo, authorizing the Missouri "Food Stamps" program, as authorized by the federal Food Stamp Act of 1977, as amended, Public Law 95-113, and the Missouri "Commodity Supplemental Food Program", as authorized by the federal Agriculture and Consumer Protection Act of 1973, Sections 4(a) and 5, as amended, Public Law 93-86, after September 1, 1998."; and

Further amend said bill, page 5, section 208.010, line 154, by inserting immediately after said line, the following:

"208.016. No one shall be eligible under the provisions of section 208.010, RSMo, and section 208.015, RSMo, authorizing the "General Relief" program, shall expire on September 1, 1998.

208.038. No one shall be eligible under the provisions of section 208.040, RSMo, and section 208.041, RSMo, authorizing the Missouri "Aid to Families with Dependent Children" program ("AFDC"), as authorized by the federal Social Security Act, as amended, Title I, Title IV, Part A, Title X, Title XIV, Title XVI (AABD), Title II, Public Laws 97-35, 97-248, 97-300, 98-369 and 100-485, after July 1, 1998.

208.427. No one shall be eligible under the provisions of sections 208.400 to 208.425, RSMo, authorizing the "Job Opportunities and Basic Skills Training" program ("JOBS" or "FUTURES"), after September 1, 1997.

208.515. No one shall be eligible under the department of social services' authority to accept those payments for child care assistance authorized by the federal Child Care and Development Block Grant Act of 1990 and the Omnibus Budget Reconciliation Act of 1990, Section 5082, Public Law 101-508, as amended, after July 1, 1999.

208.516. No one shall be eligible for the department of social services' authority to accept those social services block grants authorized by the federal Social Security Act, Title XX, as amended, after July 1, 1999.

620.038. No one shall be eligible for the provisions of section 620.1037, RSMo, authorizing the "Twenty-first Century Communities Demonstration Project", after July 1, 1997."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Rohrbach offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Bill No. 1055, Page 4, Section 208.010, Lines 91-98, by deleting all of said lines; and

Further amend said bill, page and section, line 107, by deleting on said line the words "one thousand five hundred" and inserting in lieu thereof the words "**four thousand three hundred**"; and

Further amend said bill, page and section, lines 110 and 111, by deleting on said lines the words "one thousand five hundred" and inserting in lieu thereof the words "**four thousand three hundred**".

Senator Rohrbach moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Howard, Kenney, Mueller and Quick.

SA 9 failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Graves	Howard
Kinder	Klarich	Rohrbach	Sims
Singleton	Treppler--10		

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	House	Johnson
Kenney	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Staples
Westfall	Wiggins--22		

Absent--Senators

Bentley	McKenna--2
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Absent with leave--Senators--None

Senator Schneider offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Bill No. 1055, Page 4, Section 208.010, Lines 91-98, by deleting all of said lines; and

Further amend said bill, page and section, line 107, by deleting on said line the words "one thousand five hundred" and inserting in lieu thereof the words "**five thousand**"; and

Further amend said bill, page and section, lines 110 and 111, by deleting on said lines the words "one thousand five hundred" and inserting in lieu thereof the words "**five thousand**".

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend House Bill No. 1055, Page 5, Section 208.010, Line 154, by inserting immediately after said line, the following:

"208.517. 1. Subject to appropriation and receipt of waivers of requirements under federal law necessary to implement this program, the division of family services shall establish a Family Stability Demonstration Project within the St. Louis metropolitan statistical area as established by the 1990 federal decennial census, which will allow up to two hundred and fifty, two parent families to receive AFDC benefits they would be ineligible to receive because of their marital status.

2. The cost of providing medical assistance to persons ineligible to receive medical assistance except for the family stability demonstration project shall be appropriated from the health initiatives fund.

208.520. 1. Family stability demonstration project participants shall be selected from families meeting the following criteria and requirements:

(1) Eligible families must volunteer and apply to participate in the family stability demonstration project;

(2) Eligible families must have been eligible for and received AFDC in at least twelve of the thirty-six months preceding their application;

(3) Eligible families must have or will become ineligible for AFDC benefits because of the caretaker parent's marriage to the parent of an eligible child;

(4) The family stability demonstration project shall be available to qualifying applicants in each county within the St. Louis Metropolitan Statistical area;

(5) The division of family services may establish additional eligibility criteria consistent with implementing the family stability demonstration project.

2. Family stability demonstration project participants shall be subject to the following eligibility restrictions:

(1) The parent marrying the caretaker parent shall not be eligible for benefits and those benefits based upon the number of family members shall not increase because that parent is part of the family;

(2) Participating families may only participate in the family stability demonstration project for a period of two years, unless an extension is warranted by extraordinary circumstances.

3. Family Stability Demonstration Project participants shall be eligible to receive the following benefits:

(1) Minor children and other otherwise eligible persons shall not suffer penalty or disqualification because the family participates in the family stability demonstration project;

(2) Both parents shall be eligible to participate in FUTURES and other applicable education, training and support programs;

(3) Participating families may earn income up to one hundred percent of the federal poverty level.

208.523. The division of family services shall conduct research to determine the relationship between the current eligibility requirements for AFDC and the limited number of two parent families qualifying for AFDC, and shall make an annual report before Thanksgiving to the governor and the general assembly relating to

removing artificial barriers in public assistance programs which discourage marriage and family stability.

208.525. The division of family services shall make all necessary applications and follow all procedures necessary to receive the waivers of requirements under federal law necessary to implement this program and shall promulgate the rules and regulations necessary to implement the family stability demonstration project pursuant to section 208.174 and chapter 536.

Section B. The provisions of Sections 208.517, 208.520, 208.523 and 208.525 of this act shall expire on December 31, 1999."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, House, Melton and Mueller.

SA 11 was adopted by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Ehlmann	Flotron	Graves	House
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall--25			

Nays--Senators

Banks	Clay	Goode	Howard
Maxwell	Schneider	Scott	Wiggins--8

Absent--Senator McKenna--1

Absent with leave--Senators--None

On motion of Senator Maxwell, **HB 1055**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Bentley--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 752, SB 789, SB 843** and **SB 847**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 752, 789, 843** and **847**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 752, 789, 843 and 847

An Act to repeal sections 32.057, 135.010, 136.315, 143.451, 143.631, 143.751, 143.781, 143.811, 144.020, 144.027, 144.190, 147.040 RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to taxation, and to enact in lieu thereof fifteen new section relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 752, 789, 843** and **847** be adopted.

Senator Caskey offered **SS** for **SCS** for **SBs 752, 789, 843** and **847**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 752, 789, 843 and 847

An Act to repeal sections 32.057, 135.010, 136.315, 143.451, 143.631, 143.751, 143.781, 143.811, 144.020, 144.027, 144.190, 147.040, RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to taxation, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS** for **SCS** for **SBs 752, 789, 843** and **847** be adopted.

Senator Caskey offered **SS** for **SS** for **SCS** for **SBs 752, 789, 843 and 847**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 752, 789, 843 and 847

An Act to repeal sections 32.057, 135.010, 136.315, 143.124, 143.451, 143.631, 143.751, 143.781, 143.811, 144.020, 144.027, 144.190, 147.040, RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to taxation, and to enact in lieu thereof seventeen new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS** for **SS** for **SCS** for **SBs 752, 789, 843 and 847** be adopted.

Senator Caskey offered **SS** for **SS** for **SS** for **SCS** for **SBs 752, 789, 843 and 847**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 752, 789, 843 and 847

An Act to repeal sections 32.057, 135.010, 136.315, 143.124, 143.451, 143.631, 143.751, 143.781, 143.811, 144.020, 144.027, 144.190, 147.040, RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to taxation, and to enact in lieu thereof seventeen new sections relating to the same subject, with an emergency clause for a certain section.

Senator Caskey moved that **SS** for **SS** for **SS** for **SCS** for **SBs 752, 789, 843 and 847** be adopted.

Senator Quick resumed the Chair.

President Pro Tem Mathewson resumed the Chair.

At the request of Senator Wiggins, **SB 752**, **SB 789**, **SB 843** and **SB 847**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, and **SS** for **SS** for **SS** for **SCS** (pending), were placed on the Informal Calendar.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jack D. Atterberry, Democrat, 1632 Paddlewheel Circle, Jefferson City, Cole County, Missouri 65109, as a member of the Worker's Compensation Determination Review Board, for a term ending March 3, 1999, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Dr. Larry D. Dorrell, Democrat, 800 East Market, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Gann, 1881 Halifax Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council for a term ending May 12, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Martha E. Hildebrandt, 7112 Boucher, Liberty, Clay County, Missouri 64068, as a member of the Well Installation Board, for a term ending February 24, 2000, and until her successor is duly appointed and qualified; vice, Verne Luther, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gerald J. Kampeter, 225 Indian Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carolyn A. Landry, Democrat, 2725 Stonewall Station, St. Charles, St. Charles County, Missouri 63303, as a member of the Missouri Women's Council, for a term ending December 6, 1998, and until her successor is duly appointed and qualified; vice, Joan Ruff, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jana L. Poteet, Republican, Route 9 Box 158, Poplar Bluff, Butler County, Missouri 63901, as a member of the State Lottery Commission, for a term ending September 7, 1996, and until her successor is duly appointed and qualified; vice, Judith Wangelin Scott, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

April 30, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Fred R. Schoen, 1680 Highway H, Monett, Lawrence County, Missouri 65708, as a member of the Well Installation Board, for a term ending February 24, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 858**.

With House Amendment No. 1, House Amendment No. 1 to Part 1 of House Amendment No. 2, Part 1 of House Amendment No. 2 as amended.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 858, Page 1, In the Title, Line 4, by deleting the word "five" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "five" and inserting in lieu thereof the word "seven"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "191.653," the numbers "191.654, 191.655,"; and

Further amend said bill, Page 4, Section 191.653, Line 20, by inserting after all of said line the following:

"191.654. 1. Any person may petition the court to mandate HIV testing of an individual without the right of refusal, if the petitioner is able to show that there has been contact with the individual and that such contact has a medically recognized potential for transferring HIV.

2. Venue is proper in the county in which either of the parties live or can be found.

3. Upon petition the court shall determine by a preponderance of the evidence whether there are reasonable grounds to believe that there has been contact between the petitioner and the individual which has a medically recognized potential for transferring HIV. The court shall order the individual to undergo appropriate HIV testing by the department of health or a federally certified laboratory.

4. The cost of the HIV testing required pursuant to this section shall be paid by the petitioner, unless the court orders otherwise.

5. Notwithstanding any provision of the law to the contrary, results of the HIV testing done pursuant to this section shall be available only to the petitioner and the person tested.

191.655. 1. Upon petition of the prosecuting attorney, if the court decides by a preponderance of the evidence that the commission of a crime put the victim at risk of being infected with the HIV virus, the court may order the accused to undergo HIV testing without right of refusal.

2. Notwithstanding any provision of the law to the contrary, the victim shall be informed of the results of the test conducted pursuant to subsection 1 of this section.

3. The provisions of section 191.656, shall apply to all tests provided by subsection 1 of this section and section 191.654 except as otherwise provided in section 191.654 or this section."

HOUSE AMENDMENT NO. 1 TO

PART I OF HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to Senate Bill No. 858, Line 3, by adding after the word "prostitution" the following: **"or solicitation of prostitution"**; and

Further amend said amendment at line 5, by inserting after the word "virus" the following: **"prior to commission of the third offense"**.

PART I OF HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 858, Page 7, Section 191.686, Line 15, by adding the following new section after said line:

"Section 1. Any person who has been convicted for a third offense of prostitution pursuant to chapter 567, RSMo and who has tested positive for the HIV virus shall be guilty of class C felony."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 715**, entitled:

An Act to repeal section 226.445, RSMo 1994, relating to the Mississippi River Parkway Commission, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS No. 2 for SB 860**, entitled:

An Act to repeal sections 169.035, 169.050, 169.440, 169.450, 169.475, 169.589 and 169.650, RSMo 1994, and sections 169.020, 169.055, 169.056, 169.057, 169.070, 169.075, 169.410, 169.560, 169.630, 169.655, 169.660, and 169.670, RSMo Supp. 1995, and both versions of section 169.570, RSMo Supp. 1995, as enacted during the first regular session of the eighty-eighth general assembly, relating to the public school retirement system, and to enact in lieu thereof twenty-three new sections relating to the same subject, with an effective date for certain sections and with an emergency clause for a certain section.

Emergency clause adopted.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 860, Page 20, Section 169.440, Line 120, by inserting after all of said line the following:

"13. Notwithstanding any other provision of sections 169.410 to 169.540 to the contrary, any member, who has withdrawn such member's contributions or had such contributions refunded pursuant to sections 169.410 to 169.540, who again becomes a member of the retirement system, may elect to reinstate any creditable service forfeited at time or times of any previous withdrawals or refunds. Such reinstatement shall be effected by the member paying to the retirement system with interest the amount of accumulated contributions withdrawn by such member or refunded to the member at the time or times of withdrawal or refund, and by teaching in the district for at least an additional seven years before such member retires."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute No. 2 for Senate Bill No. 860, Page 1, In the Title, Line 7, by deleting the word "twenty-three" and inserting in lieu thereof the word "twenty-four"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "twenty" and inserting in lieu thereof the word "twenty-one"; and

Further amend said bill, Page 5, Section 169.035, Line 22, by inserting after all of said line the following:

"169.054. Notwithstanding any provision of section 169.055 to the contrary, any member who is vested who

had served in the armed forces of the United States at anytime prior to becoming a member, and who becomes employed in a position qualifying for membership in the retirement system after such member's discharge under honorable conditions may elect, prior to retirement, to purchase membership service for the entire period of service in the armed forces, but not to exceed five years."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **SCS** for **HB 1097** be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 578**.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 578, Page 2, Section 43.050, Line 24, by inserting immediately after said line the following:

"650.050. 1. The Missouri department of public safety shall develop and establish a "DNA Profiling System", referred to in sections 650.050 to 650.057 as the system to support criminal justice services in the local communities throughout this state **in DNA identification**. This establishment shall be accomplished through consultation with the Kansas City, Missouri regional crime laboratory, Missouri state highway patrol crime laboratory, St. Louis, Missouri metropolitan crime laboratory, [and] **St. Louis county crime laboratory**, southeast Missouri regional crime laboratory, Springfield regional crime laboratory, and the Missouri Southern State College Police Academy Regional Crime Lab.

2. The DNA profiling system as established in this section shall be compatible with that used by the Federal Bureau of Investigation **to ensure that DNA records are fully exchangeable between DNA laboratories and that quality assurance standards issued by the director of the Federal Bureau of Investigations are applied and performed.**

[3. The department of public safety shall report on the system to the legislature not later than the fifteenth of January, 1992. This report shall include a timeline for implementing each stage, a local agency financial participation analysis, a system analysis and a full cost/purchase analysis.]

650.052. 1. The state's DNA profiling system shall:

(1) Assist federal, state and local criminal justice and law enforcement agencies in the putative identification, detection or exclusion of individuals who are subjects of the investigation or prosecution of violent or sex-related crime in which biological evidence is recovered from the crime scene; and

(2) Support development of a population statistics database, when personal identifying information is removed; and

(3) Support identification research and protocol development of forensic DNA analysis methods; and

(4) For quality control purposes; or

(5) Assist in the recovery or identification of human remains from mass disasters, or for other humanitarian purposes, including identification of living missing persons.

2. The Missouri state highway patrol shall act as the central repository for the DNA profiling system and shall coordinate with the Federal Bureau of Investigation on the national database program.

3. The Missouri state highway patrol may promulgate rules in accordance with Federal Bureau of Investigation recommendations for the form and manner of collection of blood or other scientifically accepted biological samples and other procedures for the operation of sections 650.050 to 650.057. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. The Missouri state highway patrol shall provide the necessary components for collection of the convicted offender's biological samples. The specimens shall thereafter be forwarded to the Missouri state highway patrol crime laboratory.

5. The state's forensic DNA laboratories shall meet quality assurance standards specified by the Missouri state highway patrol and the Federal Bureau of Investigation to ensure quality DNA identification records submitted to the central repository.

6. The state's forensic DNA laboratories may provide the system for identification purposes to criminal justice, law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court and provide expert testimony in court on DNA evidentiary issues.

[650.053. The department of public safety, in consultation with Kansas City, Missouri regional crime laboratory, Missouri state highway patrol crime laboratory, St. Louis, Missouri metropolitan crime laboratory, Springfield regional crime laboratory and southeast Missouri regional crime laboratory, may:

(1) Provide the system to law enforcement agencies throughout the state; and

(2) Provide assistance to law enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court; and

(3) Provide expert testimony in court on DNA evidentiary issues.]

650.055. 1. Every individual convicted in a Missouri circuit court of a felony, defined as a violent offense under chapter 565, RSMo, or as a sex offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically accepted biological sample [drawn] collected for purposes of DNA profiling analysis:

(1) Upon entering the department of correction's reception and diagnostic center(s); or

(2) Before release from, [or transfer to, a state correctional institution,] county jail or detention facility. [Any blood sample taken shall be used solely for the purpose of providing DNA or other blood grouping lists for profiling analysis and prosecution of a violent offense or a sex offense.]; or

(3) If such individual is under the jurisdiction of the department of corrections on or after the effective date of this section. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in 217.650, RSMo, and on parole, as also defined in 217.650.

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody of those convicted of the felony which shall not be set aside or reversed, is hereby made mandatory.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records

and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice for law enforcement is a class A misdemeanor.

5. Implementation of section 650.050 and this section shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA data bank system."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 578, by adding a new section to Page 2 as follows:

"43.351. Notwithstanding the provisions of subsection 1 of section 43.025, RSMo, the Missouri state highway patrol is hereby authorized to establish a "Division of Gaming", provided that the Missouri state highway patrol has entered into an agreement with the Missouri gaming commission pursuant to subsection 9 of section 313.004, RSMo, to enforce the provisions of sections 313.005 to 313.080, RSMo, and sections 313.500 to 313.710, RSMo, and sections 313.800 to 313.850, RSMo."

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Bentley moved that the conferees on **SCS** for **HB 1097** be allowed to exceed the differences, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 905**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 905, Page 1, Section 617.001, Line 7, by striking "617.007" and inserting in lieu thereof the following: **"617.009"**; and

Further amend said bill and section, page 2, line 13, by inserting immediately after "RSMo." the following: **"All terms and conditions of employment in and employees of the division of aging shall be applicable to employment in and employees of the department of aging."**; and

Further amend said bill, page 2, section 617.007, line 4, by striking the word "people" and inserting in lieu thereof the words **"full-time employees"**.

RESOLUTIONS

Senator Treppler offered Senate Resolution No. 1318, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elmer W. Grateke, Mehlville, which was adopted.

Senator Treppler offered Senate Resolution No. 1319, regarding Jack M. Jordan, Mehlville, which was adopted.

Senator Mathewson offered Senate Resolution No. 1320, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Calvin H. Harms, Higginsville, which was adopted.

Senator Johnson offered Senate Resolution No. 1321, regarding Jan Marriott, St. Joseph, which was adopted.

On motion of Senator Banks, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 713**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 713**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 713

An Act to repeal sections 58.451 and 58.720, RSMo 1994, relating to duties of coroners, and to enact two new sections relating to the same subject.

Was taken up.

Senator Goode moved that **SCS** for **SB 713** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 713** was declared perfected and ordered printed.

Senator Sims moved that **SB 549** be taken up for perfection, which motion prevailed.

On motion of Senator Sims, **SB 549** was declared perfected and ordered printed.

Senator DePasco moved that **SB 787**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **SB 787**, as amended, was declared perfected and ordered printed.

Senator Curls moved that **SB 805** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 805, Page 3, Section 640.240, Line 41, by adding a period "." following the word "colleges" and further by deleting remaining line, including all of lines 42 and 43 to include "Harris Stowe University."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Curls, **SB 805**, as amended, was declared perfected and ordered printed.

At the request of Senator McKenna, **SB 531**, with **SCS**, was placed on the Informal Calendar.

Senator Melton moved that **SB 784**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Melton, **SB 784**, as amended, was declared perfected and ordered printed.

At the request of Senator McKenna, **SB 815** was placed on the Informal Calendar.

Senator Russell moved that **SB 585** be taken up for perfection, which motion prevailed.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 585, Page 1, Section 143.124, Line 1, by inserting immediately before said line the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) either[:] the Missouri standard deduction or the Missouri itemized deduction[.];

(2) the Missouri deduction for personal exemptions[.];

(3) the Missouri deduction for dependency exemptions[.];

(4) the deduction for federal income taxes provided in section 143.171; **and**

(5) the deduction for tuition or attendance fees provided in section 143.122.

143.122. In addition to the amounts to be subtracted from his federal adjusted gross income to determine his Missouri adjusted gross income under the provisions of section 143.121, there shall be subtracted the amount the taxpayer has paid to others for each dependent in grades nine through twelve, for tuition or attendance fees for or on behalf of each dependent in attending a secondary school situated in Missouri, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, up to a maximum of two thousand dollars for each dependent."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Russell, **SB 585**, with **SA 1** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 514**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 514**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 514

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of an accidental shooting, with penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **SB 514** be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 514** was declared perfected and ordered printed.

At the request of Senator McKenna, **SB 814**, with **SCS**, was placed on the Informal Calendar.

SB 641, with **SCS**, was placed on the Informal Calendar.

SJR 30, with **SCS**, was placed on the Informal Calendar.

Senator Lybyer moved that **SB 505** be taken up for perfection, which motion prevailed.

Senator Lybyer offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 505, Page 2, Section 67.641, Line 34, by striking all of said line after the word "facility"; and further amend line 35, by striking all of said line through the word "facility,".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

On motion of Senator Lybyer, **SB 505**, as amended, was declared perfected and ordered printed.

At the request of Senator Rohrbach, **SB 949** was placed on the Informal Calendar.

Senator McKenna moved that **SJR 36** be taken up for perfection, which motion prevailed.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 36, Page 1, Section 47(a), Lines 3-4, by striking the opening and closing brackets; and further amend said bill and said section, page 2, lines 6-7, by striking the opening and closing brackets on line 6 and the bold-faced print on lines 6-7; and further amend said bill, lines 8-11, by striking the opening and closing brackets on lines 8 and 9 and all the bold-faced print only on lines 9-11; and further amend said bill, pages 2-3, section 47(b), lines 1 and 8, by striking the opening and closing brackets; and further amend said section, pages 3-4, lines 8-45, by striking all bold-faced print on said lines; and further amend said bill, sections 47(d) and 47(e), pages 4-7, by striking all of said sections; and further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator Treppler offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 36, Page 5, Section 47(d), Line 21, by inserting after said word "whole;" the following: "**or to special districts as established pursuant to the provisions of article VI, section 30, Missouri Constitution;**".

Senator Treppler moved that the above substitute amendment be adopted.

At the request of Senator McKenna, **SJR 36**, with **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SB 515** and **SB 584**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 515** and **584**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 515 and 584

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SBs 515** and **584** be adopted, which motion prevailed.

Senator Howard assumed the Chair.

On motion of Senator Singleton, **SCS** for **SBs 515** and **584** was declared perfected and ordered printed.

SB 705, with **SCS**, was placed on the Informal Calendar.

Senator Kinder moved that **SB 675**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Wiggins resumed the Chair.

SCS for **SB 675**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 675

An Act to repeal sections 571.020, 571.070 and 571.090, RSMo 1994, and section 571.030, RSMo Supp. 1995, relating to certain weapons offenses, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Kinder moved that **SCS** for **SB 675** be adopted.

At the request of Senator Kinder, **SB 675**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Johnson moved that **SB 810**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted.

Senator McKenna offered **SSA 1** for **SCA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 810, Page 1, Section 226.030, Line 2, by changing the number "eight" to "ten" and further amend said bill, line 7, by striking the word "geographic"; and further amend said bill, lines 8 through 18, by deleting said lines; and further amend said bill, by adding on line 8 the following: "one from each Congressional District and one

at large Commissioner."; and further on page 2, line 25, by striking the word "two" and adding "four".

Senator McKenna moved that the above substitute amendment be adopted.

At the request of Senator Johnson, **SB 810**, with **SCA 1** and **SSA 1** for **SCA 1** (pending), was placed on the Informal Calendar.

At the request of Senator Johnson, **SB 754**, with **SCS**, was placed on the Informal Calendar.

Senator Clay moved that **SB 524**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 524**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 524

An Act to repeal sections 317.001, 317.006 and 317.011, RSMo 1994, relating to boxing and wrestling and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

Senator Clay moved that **SCS** for **SB 524** be adopted, which motion prevailed.

On motion of Senator Clay, **SCS** for **SB 524** was declared perfected and ordered printed.

Senator Howard moved that **SB 604**, **SB 666** and **SB 816**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 604**, **666** and **816**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 604, 666 and 816

An Act to repeal sections 337.030, 337.045 and 337.505, RSMo 1994, and sections 337.020 and 337.050, RSMo Supp. 1995, relating to professional licensing of psychologists and professional counselors, and to enact one new section relating to the same subject.

Was taken up.

Senator Howard moved that **SCS** for **SBs 604**, **666** and **816** be adopted, which motion prevailed.

On motion of Senator Howard, **SCS** for **SBs 604**, **666** and **816** was declared perfected and ordered printed.

Senator Moseley moved that **SB 804** be taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 804, Page 26, Section 288.200, Line 36, by adding at the end thereof, the following:

"3. Any party subject to any decision of an appeals tribunal shall be notified prior to such hearing that such determination of such hearing is presumptively conclusive pursuant to chapter 288.210 and has a right to counsel."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 804, Page 1, In the Title, Line 4, by inserting after "288.030," the following: "288.032 and"; and further amend line 5, by striking the word "twelve" and inserting in lieu thereof the word "thirteen"; and

Further amend said bill, page 1, section A, line 3, by inserting after "288.030," the following: "288.032 and"; and further amend line 3, by striking the word "twelve" and inserting the word "thirteen"; and further amend line 4, by inserting after "288.030," the following: "288.032,"; and

Further amend said bill, page 5, section 288.030, line 129, by inserting immediately after said line the following:

"288.032. 1. After December 31, 1977, "employer" means:

(1) Any employing unit which in any calendar quarter in either the current or preceding calendar year paid for service in employment wages of one thousand five hundred dollars or more except that for the purposes of this definition, wages paid for "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and for "domestic services" as defined in subdivisions (2) and (12) of subsection 12 of section 288.034 shall not be considered;

(2) Any employing unit which for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day); except that for the purposes of this definition, services performed in "agricultural labor" as defined in paragraph (a) of subdivision (1) of subsection 12 of section 288.034 and in "domestic services" as defined in subdivisions (2) and (12) of subsection 12 of section 288.034 shall not be considered;

(3) Any governmental entity for which service in employment as defined in subsection 7 of section 288.034 is performed;

(4) Any employing unit for which service in employment as defined in subsection 8 of section 288.034 is performed during the current or preceding calendar year;

(5) Any employing unit for which service in employment as defined in paragraph (b) of subdivision (1) of subsection 12 of section 288.034 is performed during the current or preceding calendar year;

(6) Any employing unit for which service in employment as defined in subsection 13 of section 288.034 is performed during the current or preceding calendar year;

(7) Any individual, type of organization or employing unit which has [acquired substantially all of the business of an employer subject to this law] **been determined to be a successor under section 288.110;**

(8) Any individual, type of organization or employing unit which has elected to become subject to this law pursuant to subdivision (1) of subsection 3 of section 288.080;

(9) Any individual, type of organization or employing unit which, having become an employer, has not under section 288.080 ceased to be an employer;

(10) Any employing unit subject to the Federal Unemployment Tax Act or which, as a condition for approval of this law for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an employer under this law.

2. (1) Notwithstanding any other provisions of this law, any employer, individual, organization, partnership, corporation, other legal entity or employing unit that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, shall be liable for contributions on wages paid by the lessor employing unit to individuals performing services for client lessees of the lessor employing unit. Unless the lessor employing unit has timely complied with the provisions of subdivision (3) of this subsection, any employer, individual, organization, partnership, corporation, other legal entity or employing unit which is leasing individuals from any lessor employing unit shall be jointly and severally liable for any unpaid contributions, interest and penalties due under this law from any lessor employing unit attributable to wages for services performed for the client lessee entity by individuals leased to the client lessee entity, and the lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessee entities. Delinquent contributions, interest and penalties shall be collected in accordance with the provisions of this chapter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any governmental entity or nonprofit organization that meets the definition of "lessor employing unit", as defined in subdivision (5) of this subsection, and has elected to become liable for payments in lieu of contributions as provided in subsection 3 of section 288.090, shall pay the division payments in lieu of contributions, interest, penalties and surcharges in accordance with section 288.090 on benefits paid to individuals performing services for the client lessees of the lessor employing unit. If the lessor employing unit has not timely complied with the provisions of subdivision (3) of this subsection, any client lessees with services attributable to and performed for the client lessees shall be jointly and severally liable for any unpaid payments in lieu of contributions, interest, penalties and surcharges due under this law. The lessor employing unit shall keep separate records and submit separate quarterly contribution and wage reports for each of its client lessees. Delinquent payments in lieu of contributions, interest, penalties and surcharges shall be collected in accordance with subsection 3 of section 288.090. The election to be liable for payments in lieu of contributions made by a governmental entity or nonprofit organization meeting the definition of "lessor employing unit", may be terminated by the division in accordance with subsection 3 of section 288.090.

(3) In order to relieve a client lessees from joint and several liability and the separate reporting requirements imposed under this subsection, any lessor employing unit may post and maintain a surety bond issued by a corporate surety authorized to do business in Missouri in an amount equivalent to the contributions or payments in lieu of contributions for which the lessor employing unit was liable in the last calendar year in which he accrued contributions or payments in lieu of contributions, or one hundred thousand dollars, whichever amount is the greater, to ensure prompt payment of contributions or payments in lieu of contributions, interest, penalties and surcharges for which the lessor employing unit may be, or becomes, liable under this law. In lieu of a surety bond, the lessor employing unit may deposit in a depository designated by the director, securities with marketable value equivalent to the amount required for a surety bond. The securities so deposited shall include authorization to the director to sell any securities in an amount sufficient to pay any contributions or payments in lieu of contributions, interest, penalties and surcharges which the lessor employing unit fails to promptly pay when due. In lieu of a surety bond or securities as described in this subdivision, any lessor employing unit may provide the director with an irrevocable letter of credit, as defined in section 400.5-103, RSMo, issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. In lieu of a surety bond, securities or an irrevocable letter of credit, a lessor employing unit may obtain a certificate of deposit issued by any state or federally chartered financial institution, in an amount equivalent to the amount required for a surety bond as described in this subdivision. The certificate of deposit shall be pledged to the director until release by the director. As used in this subdivision, the term "certificate of deposit" means a certificate representing any deposit of funds in a state or federally chartered financial institution for a specified period of time which earns interest at a fixed or variable rate, where such funds cannot be withdrawn prior to a specified time without forfeiture of some or all of the earned interest.

(4) Any lessor employing unit which is currently engaged in the business of leasing individuals to client lessees shall comply with the provisions of subdivision (3) of this subsection by September 28, 1992. Lessor employing units not currently engaged in the business of leasing individuals to client lessees shall comply with subdivision (3) of this subsection before entering into a written lease agreements with client lessees.

(5) As used in this subsection, the term "lessor employing unit" means an independently established business entity, governmental entity as defined in subsection 1 of section 288.030 or nonprofit organization as defined in subsection 3 of

section 288.090 which, pursuant to a written lease agreement between the lessor employing unit and the client lessees, engages in the business of providing individuals to any other employer, individual, organization, partnership, corporation, other legal entity or employing unit referred to in this subsection as a client lessee.

(6) The provisions of this subsection shall not be applicable to private employment agencies who provide their employees to employers on a temporary help basis provided the private employment agencies are liable as employers for the payment of contributions on wages paid to temporary workers so employed.

3. After September 30, 1986, notwithstanding any provision of section 288.034, for the purpose of this law, in no event shall a for-hire motor carrier as regulated by the Missouri division of transportation or whose operations are confined to a commercial zone be determined to be the employer of a lessor as defined in section 288.030 or of a driver receiving remuneration from a lessor, provided, however, the term "for-hire motor carrier" shall in no event include an organization described in section 501(c)(3) of the Internal Revenue Code or any governmental entity.

4. The owner or operator of a beauty salon or similar establishment shall not be determined to be the employer of a person who utilizes the facilities of the owner or operator but who receives neither salary, wages or other compensation from the owner or operator and who pays the owner or operator rent or other payments for the use of the facilities."; and

Further amend said bill, page 18, section 288.110, line 61, by inserting immediately after the word "entity" the following: "**of the predecessor**"; and further amend line 63, by striking "Ownership of the"; and further amend line 64, by striking all of said line; and further amend line 65, by striking "or interests."; and

Further amend said bill and section, page 19, lines 67-68, by striking "(regardless of marital status)"; and further on line 68, by striking ", parent or parents" and inserting in lieu thereof the following: "**or parent**"; and further amend lines 90-91, by striking "or successors stand" and inserting in lieu thereof the following: "**stands**"; and further amend line 96, by striking "the business" and inserting in lieu thereof "**any**"; and further on said line, by striking the word "and" and inserting in lieu thereof "**or**" and further on lines 96-97, by striking the words "or assets"; and further on line 97, by striking the word "are" and inserting in lieu thereof the word "**is**"; and further on line 98, by striking ". The successor" and inserting in lieu thereof "**and**"; and

Further amend said bill and section, page 20, line 102, by striking "business activity or assets" and inserting in lieu thereof: "**asset or liability activity**"; and further on line 108, by striking "if the proportionate share" and inserting in lieu thereof the following: "**as provided for in this section.**"; and further amend lines 109-111, by striking all of said lines.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

On motion of Senator Moseley, **SB 804**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 685** be taken up for perfection, which motion prevailed.

On motion of Senator Caskey, **SB 685** was declared perfected and ordered printed.

Senator Schneider moved that **SB 479**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 479, Page 5, Section 537.610, Line 28, by deleting line 28 on said page

and lines 1 through 10 on page 6.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Schneider moved that **SS** for **SB 479**, as amended, be adopted and requested a roll call vote be taken. He was joined in his request by Senators McKenna, Rohrbach, Singleton and Staples.

SS for **SB 479**, as amended, failed of adoption by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
Ehlmann	House	Howard	Klarich
Maxwell	McKenna	Schneider	Wiggins--12

Nays--Senators

Bentley	DePasco	Flotron	Goode
Graves	Johnson	Kenney	Kinder
Lybyer	Mathewson	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall--21			

Absent--Senators--None

Absent with leave--Senator Scott--1

SB 479 was again taken up.

At the request of Senator Schneider, **SB 479** was placed on the Informal Calendar.

Senator Wiggins resumed the Chair.

Senator Clay moved that **SB 523** be taken up for perfection, which motion prevailed.

On motion of Senator Clay, **SB 523** was declared perfected and ordered printed.

Senator Quick moved that **SB 836**, with **SCAs 1** and **2**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Quick, **SB 836**, as amended, was declared perfected and ordered printed.

SB 686, with **SCA 1**, was placed on the Informal Calendar.

Senator Banks moved that **SB 489**, with **SCA 1**, be taken up for perfection, which motion prevailed.

SCA 1 was taken up.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 489, Page 3, Section 217.345, Line 74, by inserting immediately after said line, the following:

"Section 1. 1. The court may order a child, who has been adjudicated for a nonviolent crime and who is age fourteen or older, to work for any employer at a rate of compensation not to exceed minimum wage, for a period of time necessary to make such restitution for the damage or loss caused by his offense.

2. A child, age fourteen or older, who is ordered by the juvenile court to make restitution for the damage or loss caused by his offense pursuant to subsection 1 of this section shall not be considered an employee as defined in section 290.500, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Banks, **SB 489**, as amended, was declared perfected and ordered printed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Mathewson moved that the vote by which **SCR 28** failed of adoption be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Schneider	Staples
Treppler	Wiggins--26		

Nays--Senators

Kinder	Russell	Singleton	Westfall--4
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Absent--Senators

Curls	Klarich	Sims--3
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Absent with leave--Senators

Scott--1

SCR 28 was again taken up.

On motion of Senator Clay, **SCR 28** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Schneider	Treppler

Wiggins--25

Nays--Senators

Caskey	Howard	Kinder	Russell
Singleton	Staples	Westfall--7	

Absent--Senator Sims--1

Absent with leave--Senator Scott--1

BILL REFERRALS

President Pro Tem Mathewson referred **SS** for **SCS** for **SB 831** to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, David Lloyd, Wentzville; Gary Maness, O'Fallon; Jane and Marvin Braungardt and Linda Harris, St. Charles; Larry DeMoss and Mike Blackwood, Warrenton; James Plymale, Troy; Larry McNeely and Peter Panitzke, St. Peters; and Linda and Steven Dressler and Kristin Roth, Jonesburg.

Senator Russell introduced to the Senate, Kim Spangler, and her son, Joshua, Camdenton; and Joshua was made an honorary page.

Senator Moseley introduced to the Senate, Monte Niven and a government class from Hickman High School, Columbia.

Senator Schneider introduced to the Senate, sixty fifth grade students from Commons Lane Elementary School, Florissant; and Cage Bible, Tim Deppen, Tujuana Parks and Beth Scheiding were made honorary pages.

Senator Ehlmann introduced to the Senate, the Physician of the Day, Dr. David Poggemeier, St. Charles.

Senator Johnson introduced to the Senate, one hundred fourth grade students from China Elementary School, Park Hill; and Sarah Mundy, Abby Musfeldt, Jeff Norris and Neal Pittman were made honorary pages.

Senator DePasco introduced to the Senate, Rona Schiefelbein and nine seventh grade students from Messiah Lutheran School, Independence; and Kelly Kruse and Scott Domsch were made honorary pages.

Senator Westfall introduced to the Senate, fourth grade students from Truman Grade School, Nevada.

Senator Kinder introduced to the Senate, seventh and eighth grade students from Altenburg Public Schools, Altenburg.

On behalf of Senator Mathewson, the President introduced to the Senate, Lillie Gerald, Buckner.

Senator Kenney introduced to the Senate, Vicky Stanton, Larry Dobson, and sixty fourth grade students from James Walker Elementary School, Blue Springs.

Senator Kenney introduced to the Senate, Mrs. Petie Foster, Tracy Franke, and sixty fourth grade students from James Walker Elementary School, Blue Springs.

Senator Wiggins introduced to the Senate, George Brett and Ed Malotsky, Kansas City.

Senator Graves introduced to the Senate, his brother, Danny Graves, Tarkio; and Darren Furbeck, Dearborn.

Senator Ehlmann introduced to the Senate, Joan Wagner and Girl Scout Troop 3345, St. Peters.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY--WEDNESDAY, MAY 1, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, we are thankful for the Rock of Ages, for our God who is with us in good times and in bad, who gives us strength and courage, who forgives us when we fail, who dries our tears and lifts us up when we fall. As the hymn writer wrote, "Let me hide myself in thee." Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1322, regarding Zachary Michael Griffith, Blue Springs, which was

adopted.

Senator Kenney offered Senate Resolution No. 1323, regarding Detective Steve Hagedorn, Lee's Summit, which was adopted.

Senator Mathewson offered Senate Resolution No. 1324, regarding Mrs. Buena Stolberg, Arrow Rock, which was adopted.

Senator Staples offered Senate Resolution No. 1325, regarding Maria C. Anderson, which was adopted.

Senator Singleton offered the following resolution:

SENATE RESOLUTION NO. 1326

WHEREAS, improving patient access to quality health care is a paramount national goal; and

WHEREAS, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

WHEREAS, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

WHEREAS, current limitation on the dissemination of information about pharmaceutical products reduces the availability of information to physicians, other health care professionals, and patients, and unfairly limits the right of free speech guaranteed by the First Amendment to the United States Constitution; and

WHEREAS, the current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive;

NOW, THEREFORE, BE IT RESOLVED by the Senate, that we respectfully urge the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness; and

BE IT FURTHER RESOLVED that properly inscribed copies of this resolution be transmitted forthwith to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the Missouri Delegation of Congress.

CONCURRENT RESOLUTIONS

Senator Singleton moved that **HCR 11** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **HCR 11** was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims

Singleton

Staples

Treppler

Westfall

Wiggins--33

Nays--Senator Clay--1

Absent--Senators--None

Absent with leave--Senators--None

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SJR 32**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 505**; **SCS** for **SB 514**; **SCS** for **SBs 515** and **584**; **SB 549**; **SB 787**; **SCS** for **SB 713**; and **SB 805**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 623** be taken up for perfection, which motion prevailed.

Senator Rohrbach offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 623, Page 1, Section 221.355, Line 9, by deleting the "," on said line and inserting in lieu thereof the word "or"; and further amend said bill, page and section, lines 9 and 10, by deleting the words "or the division of youth services".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Rohrbach, **SB 623**, as amended, was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 509, introduced by Senator Goode, entitled:

An Act to repeal sections 303.024, 303.025, 303.026, 303.043, 303.044, 303.070, 303.290 and 379.203, RSMo 1994, relating to motor vehicle responsibility, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

President Pro Tem Mathewson assumed the Chair.

On motion of Senator Goode, **SB 509** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Flotron	Goode	Graves	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senator Clay--1

Absent--Senators

Banks	Ehlmann	House	Johnson
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Maxwell--5

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Caskey moved that motion lay on the table, which motion prevailed.

SS No. 3 for SB 852, introduced by Senator Caskey, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE BILL NO. 852

An Act to repeal sections 163.011, 163.031, 163.172, 165.051 and 165.111, RSMo 1994, and sections 164.011 and 165.011, RSMo Supp. 1995, relating to the use of public school funds, and enacting ten new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Caskey, **SS No. 3 for SB 852** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Kenney
Kinder	Lybyer	Mathewson	Maxwell

McKenna	Moseley	Quick	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Flotron	Klarich	Melton	Rohrbach
Russell--5			

Absent--Senators

Johnson	Mueller--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Schneider	Scott	Sims	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Flotron	Klarich	Melton	Mueller
Rohrbach	Russell	Singleton--7	

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Curls moved that motion lay on the table, which motion prevailed.

SB 622, introduced by Senator Curls, entitled:

An Act to repeal section 141.750, RSMo 1994, relating to delinquent taxes, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Curls, **SB 622** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

SB 695, introduced by Senator Moseley, entitled:

An Act to amend chapter 315, RSMo, by adding six new sections relating to the rights and obligations of innkeepers and guests.

Was taken up.

On motion of Senator Moseley, **SB 695** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Goode--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SJR 32**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202** and has again taken up and passed **SCS** for **HS** for **HCS** for **HBs 1069, 794, 807, 936, 1128, 1153 and 1202**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SJR 29**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 521**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 683**, entitled:

An Act to repeal section 408.140, RSMo 1994, relating to financial institutions, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Mathewson referred **SR 1326** to the Committee on Rules, Joint Rules and Resolutions.

BILL REFERRALS

President Pro Tem Mathewson referred **HB 905** to the Committee on State Budget Control.

RESOLUTIONS

Senator Treppler offered Senate Resolution No. 1327, regarding the Honorable Barbara L. Savalick, Bella Villa, which was adopted.

Senator Treppler offered Senate Resolution No. 1328, regarding Mrs. Judy Harris Fulks, Mehlville, which was adopted.

Senator Maxwell offered Senate Resolution No. 1329, regarding Betty Sue Dance, Lewistown, which was adopted.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

BILLS DELIVERED TO THE

SECRETARY OF STATE

SJR 32, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 836; SB 804; SB 784; SB 685; SCS** for **SBs 604, 666 and 816; SCS** for **SB 524; SB 523**; and **SB 489**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Lybyer moved that **SB 504**, with **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 5 was again taken up.

At the request of Senator Scott, the above amendment was withdrawn.

Senator Lybyer moved that **SCS** for **SB 504**, as amended, be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **SB 504**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

HB 1098, introduced by Representative Goward, entitled:

An Act to repeal section 32.057, RSMo 1994, relating to taxation, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up by Senator Wiggins.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 1098, Page 4, Section 32.057, Line 105 of said section, by inserting immediately after said line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be allocated in this state and other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(3) For the purposes of this section, a transaction involving the sale of tangible property is:

(a) "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

(b) "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

(c) Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state;

(d) [This subdivision shall not apply and subdivision (2) of subsection 2 of this section shall apply to transactions in which tangible property was moved from within this state to another state prior to shipment to the purchaser or in which both the seller's shipping point and the purchaser's destination point of tangible property are determined to be in states which do not have jurisdiction to impose a franchise or an income tax on the taxpayer regardless of whether the states impose such a tax;

(e)] For purposes of this subdivision the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale, and the seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions.

143.631. 1. Within sixty days (one hundred fifty days if the taxpayer is outside the United States) after the mailing of a notice of deficiency, the taxpayer may file with the director of revenue a written protest against the proposed assessment in which he shall set forth the grounds on which the protest is based. If a protest is filed, the director of revenue shall reconsider the proposed deficiency.

2. A taxpayer's protest may include a request for an informal hearing with the director. If such a request is made, an informal hearing shall be heard. The informal hearing shall be a forum for discussion of the merits of the proposed assessment. The parties shall also consider the possibility of negotiating a settlement of the contested tax liability.

[2.] 3. If a taxpayer has filed a timely protest under subsection 1 of this section, the taxpayer may, at any time before an assessment has become final, make a deposit with the director of revenue of any part or all of the tax, interest, additions to tax or penalties proposed in the notice of deficiency. The deposit shall be accompanied by a written statement setting forth:

(1) The identification of the tax and the tax period to which the deposit applies;

(2) The amount of tax, interest, additions to tax or penalties to which the deposit is to be applied by the director; and

(3) Such other identifying information as the director of revenue may by regulation provide.

[3.] 4. Upon receipt of a timely deposit under subsection 2 of this section, the director of revenue shall issue a receipt to the taxpayer acknowledging receipt of the deposit, and confirming the amount of tax, interest, additions to tax and penalty to which the deposit has been applied. All such deposits shall be deposited in the general revenue fund of the state as payments of tax, interest, additions to tax and penalty, as the case may be. The director of revenue shall refuse the tender of any deposit which does not satisfy the requirements of this section, and shall return such payment to the taxpayer.

[4.] 5. A taxpayer which had made a deposit under this section which has been accepted by the director of revenue may at any time before an assessment has become final or an action has been filed in the circuit court of Cole County under subsection 5 of section 143.841, request in writing that the director of revenue return the deposit to the taxpayer. The director of revenue shall return such deposit without interest if a written request is made. The taxpayer's request for return of a deposit shall not be treated under this chapter as a claim for refund for purposes of section 143.821.

[5.] **6.** The payment under protest provision provided by this section shall only apply to taxes imposed by this chapter and shall not be incorporated by reference to apply to taxes imposed by other chapters.

143.781. 1. The director of revenue within the applicable period of limitations may credit an overpayment of income tax and interest on such overpayment against any liability in respect of any tax imposed by the tax laws of this state on the person who made the overpayment, and the balance shall be **credited or** refunded if it exceeds one dollar. Overpayments shall be determined by taking into account any deposit made by a taxpayer under section 143.631, except a deposit which has been returned to a taxpayer pursuant to a written request. Unless directed otherwise by a taxpayer, the director of revenue may credit all or part of the overpayment of a taxpayer on a joint or combined return against the amount of tax due from his spouse.

2. If the amount allowable as a credit for tax withheld from the taxpayer exceeds his tax to which the credit relates, the excess shall be considered an overpayment.

3. If there has been an overpayment of tax required to be deducted and withheld under section 143.191, **a credit or** refund shall be made to the employer only to the extent that the amount of the overpayment was not deducted and withheld by the employer.

4. The director of revenue may prescribe regulations providing for the crediting against the estimated income tax for any taxable year of the amount determined to be an overpayment of the income tax for a preceding taxable year.

5. If any amount of income tax is assessed or collected after the expiration of the period of limitations properly applicable thereto, such amount shall be considered an overpayment.

6. The provisions of sections 143.781 to 143.841 to the contrary notwithstanding, a **credit or** refund, or any portion thereof, shall be transferred to the state agency to set off a debt due and owing to the state agency as provided in sections 143.782 to 143.788. When any action is taken pursuant to sections 143.782 to 143.788, the provisions of sections 143.782 to 143.788 shall govern all aspects of any rights and entitlement to **credits or** refunds covered by such action. If there is a final determination that the taxpayer is entitled to receive all or part of the setoff pursuant to the provisions of sections 143.782 to 143.788, the amount to which the taxpayer is entitled shall bear interest as provided in section 143.811, beginning sixty days after such setoff.

143.811. 1. Under regulations prescribed by the director of revenue, interest shall be allowed and paid at the rate determined by section 32.065, RSMo, on any overpayment in respect of the tax imposed by sections 143.011 to 143.996[; except that, where the overpayment resulted from the filing of an amendment of the tax by the taxpayer after the last day prescribed for the filing of the return, interest shall be allowed and paid at the rate of six percent per annum]. With respect to the part of an overpayment attributable to a deposit made pursuant to subsection 2 of section 143.631, interest shall be paid thereon at the rate in section 32.065, RSMo, from the date of the deposit to the date of refund. No interest shall be allowed or paid if the amount thereof is less than one dollar.

2. For purposes of this section:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day determined without regard to any extension of time granted the taxpayer;

(2) Any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by him on the fifteenth day of the fourth month following the close of his taxable year to which such amount constitutes a credit or payment.

3. For purposes of this section with respect to any withholding tax:

(1) If a return for any period ending with or within a calendar year is filed before April fifteenth of the succeeding calendar year, such return shall be considered filed April fifteenth of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April fifteenth of the succeeding calendar year, such tax shall be considered paid on April fifteenth of such succeeding calendar year.

4. If any overpayment of tax imposed by sections 143.011 to 143.996 is refunded within four months after the last date prescribed (or permitted by extension of time) for filing the return of such tax or within four months after the return was filed, whichever is later, no interest shall be allowed under this section on overpayment.

5. Any overpayment resulting from a carryback, including a net operating loss and a corporate capital loss, shall be deemed not to have been made prior to the close of the taxable year in which the loss arises.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telephone subscribers or others, pursuant to section 144.060, shall not be considered as amounts paid for communication or telephone services or equipment;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the transportation division of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 **or leased or rented the property** and the tax was paid at the time of purchase, **lease or rental**, the lessor, **sublessor**, [or] renter **or subrentor** shall not apply or collect the tax on the subsequent lease, **sublease**, [or] rental **or subrental** receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440[, and]. No [such] tax shall [then] be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from

the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.510 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax.

144.190. 1. If a tax has been incorrectly computed by reason of a clerical error or mistake on the part of the director of revenue, such fact shall be set forth in the records of the director of revenue, and the amount of the overpayment shall be credited on any taxes then due from the person legally obligated to remit the tax under sections 144.010 to 144.525, and the balance shall be refunded to the person legally obligated to remit the tax, his administrators or executors, as provided for in section 144.200.

2. If any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected, or has been erroneously or illegally computed, such sum **with interest as determined by section 32.065, RSMo**, shall be credited on any taxes then due from the person legally obligated to remit the tax under sections 144.010 to 144.510, and the balance[, with interest as determined by section 32.065, RSMo,] shall be refunded to the person legally obligated to remit the tax, but no such credit or refund shall be allowed unless duplicate copies of a claim for refund are filed within three years from date of overpayment. **The director of revenue shall within ninety days after receiving properly completed documentation from the taxpayer, refund taxes plus any interest due to the taxpayer from whom the tax was collected.**

3. Every claim for refund must be in writing under oath, and must state the specific grounds upon which the claim is founded. Any refund or any portion thereof which is erroneously made, and any credit or any portion thereof which is erroneously allowed, may be recovered in any action brought by the director of revenue against the person legally obligated to remit the tax. In the event that a tax has been illegally imposed against a person legally obligated to remit the tax, the director of revenue shall authorize the cancellation of the tax upon his record.

4. Notwithstanding the provisions of this section, the director of revenue shall authorize direct pay agreements to purchasers which have annual purchases in excess of seven hundred fifty thousand dollars pursuant to rules and regulations adopted by the director of revenue. For the purposes of such direct pay agreements, the taxes authorized under chapters 66, RSMo, 67, RSMo, 92, RSMo, and 94, RSMo, shall be remitted based upon the location of the place of business of the purchaser. The deduction allowed in section 144.140 shall not be allowed to any person who is qualified to receive and has received the direct payment authorization as provided by this subsection."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 1098, Page 4, Section 32.057, Line 105 of said section, by inserting immediately after said line the following:

"135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in [section 22(e) of the Internal Revenue Code of 1986, as amended] **subdivision 2 of this**

section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require. The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. **The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;**

(2) "Disabled", the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

[(2)] **(3) "Gross rent"**, amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

[(3)] **(4) "Homestead"**, the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

[(4)] **(5) "Income"**, Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

[(5)] **(6) "Property taxes accrued"**, property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a

homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

[(6)] (7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Melton offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to House Bill No. 1098, Page 1, Section 135.010, Line 19, by inserting after the word "disability" the following: "as defined hereinafter".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

SA 2, as amended, was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered SA 3:

SENATE AMENDMENT NO. 3

Amend House Bill No. 1098, Page 1, Section 32.057, Line 1, by inserting immediately before said line, the following:

"29.203. 1. The auditor may periodically audit any metropolitan or urban school district, as defined in section 160.011, RSMo, which received at least thirty percent of its total revenue for the preceding school year from the state. The auditor may periodically audit any city which levied an earnings tax pursuant to sections 92.110 to 92.300, RSMo, during the preceding year. An audit pursuant to this section shall examine local, state and federal funds received or expended by the city or district in the audit period. The audit shall be in addition to the audit requirements in section 165.121, RSMo. The audit shall be made at no cost to the city or district, and the report shall be issued pursuant to section 29.270, RSMo.

2. Any district subject to audit under this section shall provide any information lawfully requested by the state auditor under this section. Other provisions of the law to the contrary, notwithstanding, any district which fails to comply with the requirements of this section shall be considered in violation of subsection 1 of section 163.021, RSMo, and shall be ineligible to receive state aid under section 163.031, RSMo, until such time as the auditor determines that the district has fully complied with this section."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Wiggins raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and purpose of the bill.

President Pro Tem Mathewson ruled the point of order well taken.

On motion of Senator Wiggins, **HB 1098**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Staples--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Moseley moved that motion lay on the table, which motion prevailed.

HB 811, introduced by Representative Smith, entitled:

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up by Senator Moseley.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 811, Page 1, In the Title, Line 3 by adding after the words "anatomical gifts" the following: "**and duties of coroners**"; and

Further amend said bill, page 2, section 58.451, line 19, by inserting immediately after said line, the following:

"2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions."; and

Further amend said bill and section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 3, line 69, by striking the number "8" and inserting in lieu thereof the number "9"; and

Further amend said bill, page 4, section 58.720, line 24, by inserting immediately after said line the following:

"2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions."; and

Further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 5, line 51, by striking the number "5" and inserting in lieu thereof the number "6".

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Bill No. 811, Page 1, In the Title, Line 3, by striking "anatomical gifts" and inserting in lieu thereof "medical services"; and

Further amend said bill, page 8, section 194.240, line 59, by inserting immediately after said line, the following:

"338.425. 1. This section shall be known and may be cited as the "Missouri Kidney Health Care Act".

2. Notwithstanding any provisions of the law to the contrary, a manufacturer or wholesaler who supplies dialysis devices or drugs used exclusively for or necessary to perform home dialysis prescribed or ordered by a physician for administration or delivery to a person with chronic kidney failure shall not be considered to be practicing pharmacy without a license if:

(1) The manufacturer or wholesaler is registered with the state board of pharmacy and lawfully holds the dialysis drugs or devices;

(2) The manufacturer or wholesaler delivers the dialysis drugs or devices to:

(a) A person with chronic kidney failure for self-administration, as ordered by a physician, at the person's home or specified address; or

(b) A physician for administration or delivery to a person with chronic kidney failure; and

(3) The manufacturer or wholesaler has sufficient and qualified supervision to adequately protect the public health.

3. The state board of pharmacy shall promulgate rules and regulations necessary to ensure the safe distribution of the dialysis drugs and devices described in subsection 2 of this section, without interruption of supply. Such regulations shall include licensing, records, evidence of delivery to the patient or patient's designee, patient training, specific product and quantity limitation, physician prescriptions or order forms, adequate warehouse facilities and appropriate labeling to ensure necessary information is affixed to or accompanies such dialysis drugs or devices.

4. If the state board of pharmacy finds any dialysis drugs or devices distributed pursuant to this section to be ineffective or unsafe for their intended use, the board may institute immediate recall of any or all of such dialysis drugs or devices distributed to individual patients under the authority to this section.

5. The dialysis drugs or devices which are the subject of this section shall only be delivered by:

(1) The manufacturer or wholesaler to which the physician has issued an order; or

(2) A carrier authorized to possess such dialysis devices or drugs.

6. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope of the bill.

Senator Scott assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Howard offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Bill No. 811, Page 8, Section 194.240, Line 59, by inserting immediately after said line, the following:

"9. Any organ procurement organization that procures an organ or tissue donation shall provide written notice to the donor or in the case of death of the donor, the next-of-kin of the donor of the geographic destination of the donation.

10. If a fee is charged to the recipient of an organ or tissue donation, the fee shall not be greater than the actual and necessary costs of the procuring and transporting of the donation to the recipient.

11. Every organ procurement organization shall be supplied with forms by the department of health for use in regards to data collection on organ donation. An individual form shall be completed for each organ donation and sent to the department of health. This form shall include the geographic destination of the donation and the fee charged to the recipient of a donation. The information received by the department of health shall be confidential and shall be used for data collection and statistical purposes."

Senator Howard moved that the above amendment be adopted.

Senator Singleton offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 3

Amend House Bill No. 811, Page 5, Section 194.220, Line 3 by inserting immediately after "death." the following: "**The donor may select specific organs or tissues for donation or may give all of his body for any purpose specified in section 194.230, the gift to take effect upon death.**"; and

Further amend said bill, page 8, section 194.240, line 59, by inserting immediately after said line the following:

"9. The department of health shall collect information and publish an annual report which shall include the number of organ and tissue donations made in the state, the number of organ or tissue donations received by citizens of the state of Missouri, the number of organ or tissue donations transported outside the state boundaries and the cost of such organ or tissue donations."

Senator Singleton moved that the above substitute amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Rohrbach offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend House Bill No. 811, Page 5, Section 194.220, Line 3, by inserting immediately after the word "gift" on said line the words "of a designated, specific organ or tissue of his body".

Senator Rohrbach moved that the above amendment be adopted.

Senator Wiggins resumed the Chair.

Senator Rohrbach offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend House Bill No. 811, Page 5, Section 194.220, Line 3, by inserting immediately after the word "gift" on said line the words "of designated, specific organs or tissues of his body".

Senator Rohrbach moved that the above substitute amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend House Bill No. 811, Page 6, Section 194.233, Line 16, by deleting the word "or" on said line and inserting in lieu thereof the words "and no".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Moseley, **HB 811**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

DePasco	Staples--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Schneider moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

HB 1361, introduced by Representatives Gibbons and Treadway, entitled:

An Act to repeal section 476.690, RSMo Supp. 1995, relating to judges' retirement, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Schneider.

On motion of Senator Schneider, **HB 1361** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senator Graves offered Senate Resolution No. 1330, regarding Angela Redden, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1331, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Albert Swaney, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1332, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard J. "Dick" Thudium, which was adopted.

Senator Graves offered Senate Resolution No. 1333, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. J.C. Hale, Green City, which was adopted.

Senator Graves offered Senate Resolution No. 1334, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Beal, Mound City, which was adopted.

Senator Graves offered Senate Resolution No. 1335, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James F. Duvall, Carrollton, which was adopted.

Senator Graves offered Senate Resolution No. 1336, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Yos, Milan, which was adopted.

Senator Graves offered Senate Resolution No. 1337, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Paul Polley, Ridgeway, which was adopted.

Senator Graves offered Senate Resolution No. 1338, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Carl Kunkel, Oregon, which was adopted.

Senator Graves offered Senate Resolution No. 1339, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Virgil Swan, King City, which was adopted.

Senator Graves offered Senate Resolution No. 1340, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. A.C. McCool, Forest City, which was adopted.

Senator Graves offered Senate Resolution No. 1341, regarding Glynis Rainey, Maryville, which was adopted.

Senator Graves offered Senate Resolution No. 1342, regarding Sarah R. Wiederholt, which was adopted.

Senator Johnson offered Senate Resolution No. 1343, regarding Amy Whittaker, St. Joseph, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Wiggins moved that **SB 752, SB 789, SB 843 and SB 847**, with **SCS, SS for SCS, SS for SS for SCS**, and **SS for SS for SS for SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for SS for SS for SCS for SBs 752, 789, 843 and 847 was again taken up.

At the request of Senator Caskey, **SS for SS for SS for SCS for SBs 752, 789, 843 and 847** was withdrawn.

Senator Caskey offered **SS No. 2** for **SS for SS for SCS for SBs 752, 789, 843 and 847**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 752, 789, 843 and 847

An Act to repeal sections 32.057, 135.010, 135.300, 135.305, 135.307, 135.309, 135.311, 136.315, 143.124, 143.451, 143.631, 143.751, 143.781, 143.811, 144.020, 144.027, 144.190, 147.040, RSMo 1994, and section 144.030, RSMo Supp. 1995, relating to taxation, and to enact in lieu thereof twenty-four new sections relating to the same subject, with an emergency clause for a certain section and an effective date for certain sections.

Senator Caskey moved that **SS No. 2** for **SS for SS for SCS for SBs 752, 789, 843 and 847** be adopted.

Senator Flotron offered **SPA 1**:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 752, 789, 843 and 847, Pages 1-59, by striking all words and sections from said bill.

Senator Flotron moved that the above perfecting amendment be adopted.

Senator Caskey raised the point of order that **SPA 1** is out of order in that the amendment is in the third degree.

President Pro Tem Mathewson ruled the point of order well taken.

Senator Flotron offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 752, 789, 843 and 847, Pages 1-59, by striking all new language and brackets.

Senator Flotron moved that the rules be suspended and **SA 1** be adopted.

Senator Scott resumed the Chair.

Senator Caskey requested a division of the question, asking that a vote first be taken on the portion of the motion to suspend the rules and that a second vote be taken on the adoption of **SA 1**, which request was granted.

Senator Quick assumed the Chair.

Part I of Senator Flotron's motion failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall--16

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Quick	Scott
Staples	Wiggins--18		

Absent--Senators--None

Absent with leave--Senators--None

Senator Caskey raised the point of order that Part II of Senator Flotron's motion is out of order because the amendment is in the 3rd degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna assumed the Chair.

Senator Flotron offered **STPA 1**:

SENATE TECHNICAL PERFECTING

AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 752, 789, 843 and 847, Page 35, Section 144.022, Line 10 of said page, by deleting the word "may" on said line and inserting in lieu thereof the word "**shall**"; and further amend said bill, page and section, line 12, by deleting the word "may" and inserting in lieu thereof the word "shall"; and delete the words "up to, but not in excess of," as they appear on said line; and further amend said section, page and bill, by deleting lines 18 on page 35 through line 7 on page 36, and inserting in lieu thereof the words "**redeemable for food stamps**".

Senator Flotron moved that the above technical perfecting amendment be adopted.

Senator Caskey raised the point of order that **STPA 1** is out of order in that it is not a perfecting amendment as it is substantive in nature and is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Singleton raised the point of order that **SS No. 2** for **SS** for **SS** for **SCS** for **SBs 752, 789, 843** and **847** is an amendment rather than a bill and is therefore amendable.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Wiggins, **SB 752, SB 789, SB 843** and **SB 847**, with **SCS, SS for SCS, SS for SS for SCS**, and **SS No. 2** for **SS** for **SS** for **SCS** (pending), were placed on the Informal Calendar.

President Wilson assumed the Chair.

Senator Scott resumed the Chair.

Senator Ehlmann submitted the following notices of proposed rule changes:

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 7th District of the one day Notice required by Rule 97 of intent to put a Motion to Adopt the Following Rule change:

"Rule 96. In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, [including the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment] **provided, however, only one floor amendment in the nature of a substitute for the bill may be pending at any one time.**"

Also,

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the 7th District of the one day Notice required by Rule 97 of intent to put a Motion to Adopt the Following Rule change:

"Rule 96. In cases not provided for in these rules, the senate shall be governed by the rules laid down in the practice and procedures adopted by the Senate of the United States and Jefferson's Manual, including [the U.S. Senate practice that a substitute amendment to a first degree amendment is subject to a second degree perfecting amendment] **provisions which permit the amendment of any pending amendments including amendments in the nature of a substitute without regard to the order thereof.**"

INTRODUCTIONS OF GUESTS

Senator Treppler introduced to the Senate, James McDonald and William W. Zielonko, St. Louis County.

Senator Moseley introduced to the Senate, Dr. James Gigantelli, Columbia.

Senator Klarich introduced to the Senate, forty students from Chesterfield Elementary School, St. Louis County.

Senator Lybyer introduced to the Senate, Mrs. Evi Kelly-Lentz, Sarasota, Florida; Mr. and Mrs. Bob Davis, Houston; and Miss Jennifer Davis, St. Louis.

Senator Clay introduced to the Senate, Mrs. Lane and fifty students and teachers from Airport Elementary School, Berkeley.

Senator Treppler introduced to the Senate, Jenny Meyer and thirty seventh grade students from Washington Lutheran School, St. Louis.

Senator Westfall introduced to the Senate, Danna Cain, Mary Skinner, Ron Mark, Mark Walker and twenty students from Republic.

Senator Lybyer introduced to the Senate, Debbie Jennings, Brad Gentry, Randy Price and Jeanine Price, Houston.

Senator Klarich introduced to the Senate, students from Chesterfield Elementary School, St. Louis County.

Senator Wiggins introduced to the Senate, Cheryl Crownover, parents, and fifty sixth grade students from Boone Elementary School, Kansas City.

Senator Clay introduced to the Senate, Ms. Whitehead, Ms. McBryan and twenty students from St. Louis Public Schools.

Senator Rohrbach introduced to the Senate, Dawn Gray, Jefferson City.

Senator Quick introduced to the Senate, Judge Ballwin, and his grandsons, Mick Orwick and Ben Carpenter, Clay County.

Senator Mueller introduced to the Senate, the Physician of the Day, Dr. Peter Danis, M.D., his daughter, Rebecca, and Bridget and Brianne Ryder, St. Louis.

On motion of Senator Banks, the Senate adjourned under the rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SIXTH DAY--THURSDAY, MAY 2, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the prayers of many of Your children in the world today are for food for the day, clothes to wear, and shelter and peace. The prayers of Your children in this great nation are of thanksgiving. We pray that when Your people get off their knees today they will find someone who needs them and help him. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1344, regarding Robert and Alberta Baker, Gladstone, which was adopted.

Senator Singleton offered Senate Resolution No. 1345, regarding Home Education Week, which was adopted.

Senator Lybyer offered Senate Resolution No. 1346, regarding Jonathan Hayes, which was adopted.

Senators Wiggins and DePasco offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1347

WHEREAS, the Members of the Missouri Senate have learned that George E. Powell, Jr. has announced his retirement as Chairman of the Board of the Yellow Corporation, Kansas City; and

WHEREAS, Mr. Powell was born in 1926 in Kansas City, graduated from Southwest High School and attended Northwestern University in Evanston, Illinois; and

WHEREAS, from 1944 to 1946 Mr. Powell served his country in the United States Navy, first as an air crewman and later with the Air Transport Service; and

WHEREAS, Mr. Powell entered the Motor Freight Industry in 1947 when he joined Riss and Company, Incorporated, a large Kansas City based carrier, being elected Secretary/Treasurer of the Company after serving three years as auditor; and

WHEREAS, in 1951, Mr. Powell joined his father in leading a group of investors which filed reorganization plans for Yellow, then in bankruptcy, enabling them to take over the company in May, 1952, with Mr. Powell being appointed Assistant General Manager, and later named Vice President, and in 1957 elected President, where he served until 1968, when he was elected Chairman of the Board of Directors and Chief Executive Officer; and

WHEREAS, Mr. Powell has been an outstanding Civic Leader in Kansas City where he is past chairman and is current board member of the Kansas City Symphony, a member of the Board of Directors of Butler Manufacturing Company, a trustee on the Midwest Research Institute Board and an associate trustee of the Nelson Gallery Foundation, was the recipient of the 1989 Joseph C. Scheleen Award from the American Society of Transportation and Logistics and in April, 1990, the Harry E. Salzberg Memorial Medallion from Syracuse University;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the outstanding achievements of George E. Powell, Jr. in business and in civic affairs, express their appreciation for his lifetime of good citizenship, and his contributions to Kansas City and to Missouri, and to America and on the occasion of his retirement extend to George E. Powell, Jr., and his wife, Mrs. Mary Catherine Kuehn Powell, best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. George E. Powell, Jr. and Yellow Corporation.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Wiggins, Chairman of the Committee on State Budget Control, Senator DePasco submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SCS** for **SB 482**; **SB 781**; and **HB 905**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bills do pass.

BILL REFERRALS

President Pro Tem Mathewson referred **SB 523** to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 504**, begs

leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1326**, begs leave to report that it has considered the same and recommends that the resolution do pass.

THIRD READING OF SENATE BILLS

SCS for **SB 482**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 482

An Act to repeal section 476.405, RSMo 1994, relating to circuit clerks, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Melton.

On motion of Senator Melton, **SCS** for **SB 482** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators	
Kenney	Quick--2

Absent--Senator Curls--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 781, introduced by Senators Banks and McKenna, entitled:

An Act to repeal section 221.105, RSMo Supp. 1995, relating to the boarding of prisoners, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Banks.

On motion of Senator Banks, **SB 781** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Bentley	Kenney	Rohrbach--3
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Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Lybyer moved that motion lay on the table, which motion prevailed.

SB 505, introduced by Senator Lybyer, entitled:

An Act to repeal section 67.641, RSMo 1994, relating to convention and sports complex funding, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Lybyer, **SB 505** was read the 3rd time and passed by the following vote:

Yeas--Senators

Caskey	DePasco	Flotron	Goode
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Graves	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Westfall--23	

Nays--Senators

Bentley	Clay	Curls	Ehlmann
House	McKenna	Scott	Treppler
Wiggins--9			

Absent--Senators

Banks	Johnson--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Singleton moved that motion lay on the table, which motion prevailed.

SCS for **SB 514**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 514

An Act to amend chapter 577, RSMo, relating to public safety offenses, by adding thereto one new section relating to leaving the scene of an accidental shooting, with penalty provisions.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SCS** for **SB 514** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach

Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

SCS for **SBs 515** and **584**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 515 and 584

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up by Senator Singleton.

On motion of Senator Singleton, **SCS** for **SBs 515** and **584** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Scott--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator Sims moved that motion lay on the table, which motion prevailed.

SB 549, introduced by Senator Sims, entitled:

An Act to repeal section 82.210, RSMo 1994, relating to constitutional charter cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

On motion of Senator Sims, **SB 549** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Banks--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

SB 787, introduced by Senator DePasco, entitled:

An Act to repeal section 42.007, RSMo 1994, relating to the Missouri veterans' commission, and to enact one new section relating to the same subject.

Was taken up.

On motion of Senator DePasco, **SB 787** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

House McKenna--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Goode moved that motion lay on the table, which motion prevailed.

SCS for **SB 713**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 713

An Act to repeal sections 58.451 and 58.720, RSMo 1994, relating to duties of coroners, and to enact two new sections relating to the same subject.

Was taken up by Senator Goode.

On motion of Senator Goode, **SCS** for **SB 713** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

McKenna Staples--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Curls moved that motion lay on the table, which motion prevailed.

SB 805, introduced by Senator Curls, entitled:

An Act to repeal section 640.220, RSMo 1994, relating to scholarships to increase minority student enrollment in environmentally related courses of study, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Schneider requested unanimous consent of the Senate for the Committee on Judiciary to meet while the Senate is in session, which request was granted.

President Wilson assumed the Chair.

On motion of Senator Curls, **SB 805** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick

Rohrbach	Schneider	Scott	Sims
Staples	Treppler	Westfall	Wiggins--24

Nays--Senators

Ehlmann	Flotron	Graves	House
Kinder	Klarich	Melton	Russell
Singleton--9			

Absent--Senator Kenney--1

Absent with leave--Senators--None

The President declared the bill passed.

Senator Johnson assumed the Chair.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Quick moved that motion lay on the table, which motion prevailed.

SB 836, introduced by Senator Quick, entitled:

An Act to repeal sections 362.471, 427.041, 443.130, 456.500, 456.520 and 456.600, RSMo 1994, and section 361.160, RSMo Supp. 1995, relating to certain financial transactions, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

On motion of Senator Quick, **SB 836** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator DePasco--1

Absent--Senator Kenney--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 804, introduced by Senator Moseley, entitled:

An Act to repeal sections 288.050, 288.070, 288.100, 288.110, 288.113, 288.130, 288.140, 288.160, 288.190 and 288.200, RSMo 1994, and sections 288.030, 288.032 and 288.036, RSMo Supp. 1995, relating to streamlining of employment security programs and services, and to enact thirteen new sections relating to the same subject, with a delayed effective date for a certain section.

Was taken up.

On motion of Senator Moseley, **SB 804** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Kenney--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Melton moved that motion lay on the table, which motion prevailed.

At the request of Senator Melton, **SB 784** was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1466** and has taken up and passed **CCS** for **SCS** for **HB 1466**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 507**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 703**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 780**, entitled:

An Act to repeal sections 386.020, 386.110, 386.210, 386.255, 386.310, 386.320, 386.330, 386.340, 386.350, 386.370, 386.410, 387.010, 387.020, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.090, 387.100, 387.110, 387.111, 387.120, 387.130, 387.140, 387.150, 387.160, 387.170, 387.180, 387.190, 387.200, 387.210, 387.220, 387.230, 387.240, 387.250, 387.260, 387.270, 387.280, 387.290, 387.300, 387.310, 387.320, 387.330, 387.340, 387.350, 387.360, 387.370, 387.380, 387.390, 387.400, 389.610, 390.150, 508.070 and 622.010, RSMo 1994, relating to transportation regulation, and to enact in lieu thereof ninety-seven new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 780, Page 66, Section 2, Line 12, by deleting the word "wholly" and inserting in lieu thereof the word "only", and

Further amending House Committee Substitute for Senate Bill No. 780, page 70, section 12, line 9, by deleting the word "wholly" and inserting in lieu thereof, the word "only".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 780, Page 71, Section 13, Line 25, by inserting immediately following said line, the following section:

"Section 14. 1. For the purposes of assisting in the planning, acquisition, development and construction of transportation facilities other than highways in this state, there is hereby created in the state treasury a fund

known as the "State Transportation Assistance Revolving Fund". The fund shall receive all moneys which may be appropriated or otherwise credited to it by the general assembly and shall also receive any gifts, contributions, grants or bequests received from federal, private or other sources.

2. The state transportation assistance revolving fund shall be administered by the state highways and transportation commission which shall have the power to loan moneys in the fund to any political subdivision of the state or to any public or private not for profit organization or entity for:

- (1) the planning, acquisition, development and construction of facilities for transportation by air, water, rail or mass transit;
- (2) the purchase of vehicles for the transportation of elderly or handicapped persons; or
- (3) the purchase of rolling stock for transit purposes.

No funds provided by this section shall be used for the payment of the operating expenses of such transportation facilities or for the construction or maintenance of state highways.

3. The state highways and transportation commission, by rule, shall establish the procedures, conditions and repayment terms applicable to any loans or grants made under this section. An application fee or other charges may be assessed by the commission. Loans made under this section may be interest bearing or interest free.

4. Loaned funds and the interest, if any, accrued thereon which are repaid to the state highways and transportation commission shall be deposited in the state treasury to the credit of the state transportation assistance revolving fund and may be used by the commission for other eligible projects under this section.

5. Any balance in the state transportation assistance revolving fund remaining at the end of an appropriation period shall not be transferred to the general revenue fund and the provisions of section 33.080, RSMo, shall not apply to the fund. All interest earned upon the balance in the state transportation assistance revolving fund shall be deposited to the credit of the same fund."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 780, Page 70, Section 13, Lines 3 and 4, by deleting all of said lines and renumbering the remainder of the section.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 952**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SB 494**, entitled:

An Act to repeal sections 214.270, 362.119, 473.020, 473.033, 473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360, 473.433, 473.543, 473.657, 473.663, 473.823, 473.840, 474.010, 474.250, 474.260, 474.290, 474.333 and 537.021, RSMo 1994, relating to the administration of estates, and to enact twenty- four new sections relating to the same subject, with an emergency clause.

With House Amendments Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 494, Page 1, In the Title, Line 3, by inserting after the number "473.213," the following: "473.233,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "twenty-four" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the number "473.213," the following: "473.233,"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "twenty- four" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the figure "473.213," the following: "473.233,"; and

Further amend said bill, Page 12, Section 473.213, Line 3, by inserting after all of said line the following:

"473.233. 1. Within thirty days after letters are granted, unless a longer time is granted by the court, the personal representative shall make and return an inventory and appraisal, in one written instrument, of all of the property of the decedent, including exempt property, which comes to his possession or knowledge, a statement of all encumbrances, liens, and other charges on any item, and all other property possessed by decedent at the time of his death. The property shall be classified therein as follows:

(1) Real property, with plat or survey description **and the street address or approximate direction and distance from any city or town, and the popular name thereof, if any;**

(2) Furniture, household goods, and wearing apparel, but no detailed appraisal or listing of the items thereof is required;

(3) Corporate stocks described by name, number of shares, class of stock;

(4) Mortgages, bonds, notes, and other written evidences of debt, together with interest due thereon, described by name of debtor, recording data, and other identification;

(5) Bank accounts, insurance policies payable to the personal representative, and money;

(6) All other personal property accurately identified, including a statement of the decedent's proportionate share in any partnership and of its net value as shown in the inventory required by section 473.220. No detailed appraisal or listing of the assets of the partnership property is required in the inventory filed by the personal representative;

(7) All property possessed but not owned by the decedent at his death shall be listed in the inventory, but separately from other property, together with a statement as to the knowledge of the personal representative as to its ownership.

2. At any time when it appears necessary, the judge or clerk may authorize the personal representative to employ a qualified and disinterested appraiser to assist him in ascertaining the fair market value, as of the date of the decedent's death, of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The name and address of any appraiser shall be indicated on the inventory with the item or items he appraised."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 494, Page 2, Section 214.270, Line 16, by deleting the following:

"Directors and director's family within the third degree of affinity or consanguinity shall not be employed by the cemetery association."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS**, as amended, and has again taken up and passed **SCS** for **HCS** for **HBs 904, 788 and 966**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 895** and **HB 986** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 895** and **HB 986**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HB 1097** and has taken up and passed **CCS** for **SCS** for **HB 1097**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1172**, entitled:

An Act to repeal sections 144.020 and 144.140, RSMo 1994, relating to sales taxation, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SS** for **SB 521**; **SJR 29**; and **SS** for **SCS** for **SB 507**, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mathewson assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SB 521**; **SS** for **SCS** for **SB**

507; and **SJR 29**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

PRIVILEGED MOTIONS

Senator Ehlmann, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 895** and **HB 986**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 895 AND
HOUSE BILL NO. 986

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 895 and House Bill No. 986, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for House Bill No. 895 and House Bill No. 986;
- 2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 895 and House Bill No. 986;
- 3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Steve Ehlmann /s/ Bill Luetkenhaus
/s/ Larry Rohrbach /s/ Pat Dougherty
/s/ Harold L.Caskey /s/ D.R. Kissell
/s/ Jim Mathewson /s/ Emmy McClelland
/s/ Ted House /s/ Cindy Ostmann

Senator Ehlmann moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Goode	McKenna	Mueller	Schneider--4
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Absent with leave--Senators--None

On motion of Senator Ehlmann, **CCS** for **SCS** for **HCS** for **HB 895** and **HB 986**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 895 AND
HOUSE BILL NO. 986

An Act to repeal section 302.272, RSMo 1994, section 302.272 as truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly in senate bill no. 522, and section 302.272 as truly agreed to and finally passed by the second regular session of the eighty-eighth general assembly in house bill no. 1441, relating to school bus operator permits, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

McKenna Mueller--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

McKenna Mueller--2

Absent with leave--Senators

Scott--1

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Bentley moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Bentley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HB 1097**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1097

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1097, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Bill No. 1097;
- 2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1097;
- 3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1097 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Roseann Bentley /s/ Craig Hosmer
/s/ Betty Sims /s/ Chuck Wooten
/s/ John E. Scott /s/ Mike Schilling
/s/ Bill McKenna /s/ Connie Wible Murray
/s/ Joe Moseley /s/ Phil Smith

Senator Bentley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Clay	Curls	McKenna	Mueller--4
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Absent with leave--Senator Scott--1

On motion of Senator Bentley, **CCS** for **SCS** for **HB 1097**, entitled:
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1097

An Act to repeal section 190.305, RSMo 1994, relating to emergency response services, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Clay	Curls	McKenna	Mueller--4
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HB 1466**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1466

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 1466, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1466;
2. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 1466;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 1466 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ronnie DePasco /s/ Henry Rizzo
 /s/ Sidney Johnson /s/ Ken Legan
 /s/ Morris Westfall /s/ Rodger Fitzwater
 /s/ Walt Mueller /s/ T. Mark Elliott
 Jim Mathewson /s/ Wayne Crump

Senator DePasco moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Curls	McKenna	Mueller--3
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Absent with leave--Senator Scott--1

On motion of Senator DePasco, **CCS** for **SCS** for **HB 1466**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 1466

An Act to repeal sections 144.010 and 144.030, RSMo Supp. 1995, relating to sales tax exemptions, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

McKenna Mueller--2

Absent with leave--Senators

Scott--1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Quick moved that the Senate refuse to concur in **HCS** for **SB 914** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SB 685, introduced by Senator Caskey, entitled:

An Act to amend chapter 104, RSMo, relating to retirement, by adding one new section relating to the same subject.

Was taken up.

On motion of Senator Caskey, **SB 685** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Quick
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Kenney Rohrbach--2

Absent--Senators

Curls McKenna Mueller--3

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Howard moved that motion lay on the table, which motion prevailed.

SCS for **SBs 604, 666** and **816**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 604, 666 and 816

An Act to repeal sections 337.030, 337.045 and 337.505, RSMo 1994, and sections 337.020 and 337.050, RSMo Supp. 1995, relating to professional licensing of psychologists and professional counselors, and to enact one new section relating to the same subject.

Was taken up by Senator Howard.

On motion of Senator Howard, **SCS** for **SBs 604, 666** and **816** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Johnson	Lybyer
Mathewson	Maxwell	Moseley	Quick

Schneider	Sims	Staples	Treppler
Westfall	Wiggins--22		
	Nays--Senators		
Ehlmann	Kenney	Kinder	Klarich
Melton	Rohrbach	Russell	Singleton--8
	Absent--Senators		
Curls	McKenna	Mueller--3	
	Absent with leave--Senator Scott--1		

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Clay moved that motion lay on the table, which motion prevailed.

SCS for **SB 524**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 524

An Act to repeal sections 317.001, 317.006 and 317.011, RSMo 1994, relating to boxing and wrestling and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Clay.

On motion of Senator Clay, **SCS** for **SB 524** was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28
	Nays--Senators		
Kenney	Kinder--2		

Absent--Senators

Curls McKenna Mueller--3

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SB 489, introduced by Senator Banks, entitled:

An Act to repeal section 217.345, RSMo Supp. 1995, relating to youth offender programs, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Banks, **SB 489** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Curls Howard McKenna Mueller--4

Absent with leave--Senators

Scott--1

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Joe E. Maxwell and Joy L. Osbourn, as members of the Missouri Training and Employment Council;

Also,

Douglas W. Burnett, as a member of the State Tax Commission;

Also,

Albert J. Elfrank, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Jewel L. Hunter, as a member of the Missouri Health and Educational Facilities Authority;

Also,

Geraldine W. Johnson, as a member of the Missouri Commission on Human Rights;

Also,

Marjorie B. Schramm, as a member of the Seismic Safety Commission;

Also,

Tracy G. Spencer, as a member of the Workers' Compensation Determination Review Board;

Also,

Deborah Ann Depew, D.O., as a member of the State Board of Registration for the Healing Arts;

Also,

Bill M. Burch, as a member of the Missouri Development Finance Board;

Also,

William W. Zielonko, as a member of the Missouri Higher Education Loan Authority;

Also,

Kenneth R. Hensley and Robert J. Mayfield, as members of the State Lottery Commission;

Also,

Lynn C. Tatlow, as a member of the Missouri State Council on Vocational Education;

Also,

David Alan Day and Michael W. Chappelow, as members of the Hazardous Waste Management Commission of the State of Missouri;

Also,

Ford W. Hughes, as a member of the Land Reclamation Commission.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following reports:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HS** for **HCS** for **HB 1237**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 809**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 809, Page 1, In the Title, Line 2, by striking "licensing of certain emergency personnel" and inserting in lieu thereof the following: "ambulance operators"; and further on line 3 of the title, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 1, section 190.145, line 2, by striking the opening and closing brackets "[]" around the word "he" and by striking the boldfaced words on said line; and further on line 3, by inserting at the end of said line, the following: "**The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.**"; and further on lines 5 and 6, by striking the opening and closing brackets "[]" around the word "he" and by striking the boldfaced words on said lines; and further on page 2, line 20, by striking the opening and closing brackets "[]" around the word "he"; and further by striking the words "the person" on said line; and further on said line by inserting immediately after the word "valid" the following: "**motor vehicle**"; and further on said line by striking the words "or chauffeur's" and further on line 21, by striking the opening bracket "["; and further on said line by striking the closing bracket "]" and inserting in lieu thereof the following: "**or another state**"; and

Further amend said section, page 2, line 29, by inserting immediately after said line, the following:

"Section B. Because of the need to retain ambulance drivers currently operating in Missouri, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and

approval."

Senator Curls, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **HB 979**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 979, Page 1, Section 140.722, Line 1, by inserting immediately after the word "valid" the word "**recorded**"; and further on line 2, striking the words "or in use"; and

Further amend said bill, page 1, section 141.202, line 1, by inserting immediately after the word "valid" the word "**recorded**"; and further on line 2, by striking the words "or in use".

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HCS** for **HBs 1376** and **1501**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HB 1368**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1362**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Schneider, Chairman of the Committee on Judiciary, submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **HCS** for **HBs 1159, 842** and **799**, begs leave to report that it has considered the same and recommends that the bill do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HCS** for **HB 999**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HS** for **HCS** for **HBs 1169** and **1271**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 876**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HJR 58**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Joint Resolution No. 58, Page 2, Section 27(a), Line 18, by striking the words "other recipient" and inserting in lieu thereof the following: "**any other state**"; and further on line 38, by inserting immediately after the word "the" as it first appears on said line, the word "**net**"; and further on line 45, by inserting immediately after the word "the" the word "**net**"; and

Further amend said bill, page 3, section 27(c), line 2, by inserting immediately after the word "program" the following: "**and emergency**"; and further on line 6, by inserting immediately after the word "the" as it first appears on said line, the following: "**budget stabilization**"; and further on line 33, by inserting immediately after the word "appropriation" the following: "**and by a two-thirds vote of the members elected to each house,**".

Senator Goode, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce and Environment, to which was referred **HCS** for **HB 945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HB 985**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **HB 1081**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HB 1428**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HBs 1557** and **1489**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HB 1113**, begs leave to report that it has

considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, Senator Johnson submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **HB 1524**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HB 992**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 992, Page 1, Section 454.360, Line 1, by inserting immediately before said line the following:

"210.844. In a proceeding to determine the existence of the parent and child relationship brought pursuant to the provisions of sections 454.010 to 454.360, RSMo, or pursuant to the provisions of sections 454.850 to 454.980, RSMo, the provisions of sections 210.822 and 210.834 shall apply, but no other provisions of sections 210.817 through 210.852 shall apply."; and

Further amend said bill, page 18, section 454.967, line 9, by inserting at the end of said line the following: **"The provisions of sections 210.822 and 210.834, RSMo, shall apply to such a proceeding, but no other provisions of sections 210.817 through 210.852, RSMo, shall apply.";** and

Further amend the title and enacting clause accordingly.

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HCS** for **HB 1372**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HB 976**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **HCS** for **HB 818**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HB 908**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 908, Page 4, Section 303.026, Line 17, by striking said line and inserting in lieu thereof a semicolon ";".

Senator Banks, Chairman of the Committee on Public Health and Welfare, submitted the following report:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **HB 1377**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture and Local Government, submitted the following report:

Mr. President: Your Committee on Agriculture and Local Government, to which was referred **HS** for **HB 879**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator DePasco, Chairman of the Committee on Elections, Pensions and Veterans' Affairs, submitted the following report:

Mr. President: Your Committee on Elections, Pensions and Veterans' Affairs, to which was referred **HCS** for **HB 1249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Moseley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **HJR 42**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

On behalf of Senator McKenna, Chairman of the Committee on Conservation, Parks and Tourism, Senator Johnson submitted the following report:

Mr. President: Your Committee on Conservation, Parks and Tourism, to which was referred **HB 1041**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HS** for **HCS** for **HBs 1174** and **1309**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sharon K. Spence, Republican, 302 NW Shagbark, Lee's Summit, Jackson County, Missouri 64064, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 1998, and until her successor is duly appointed and qualified; vice, Alma (Jeanne) Best, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

William C. Alumbaugh, Democrat, 12821 E. 35th Street, Independence, Jackson County, Missouri 64055, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 1998, and until his successor is duly appointed and qualified; vice, Duane Holder, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Roxana Hauser, Republican, 700 Shamrock Lane, Blue Springs, Jackson County, Missouri 64014, as a member of the Jackson County Board of Election Commissioners, for a term ending April 4, 1998, and until her successor is duly appointed and qualified; vice, Stephen Krueger, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jane B. Wyman, Democrat, 104 Berry, Post Office Box 443, Alba, Jasper County, Missouri 64830, as a member of Missouri Southern State College Board of Regents, for a term ending August 30, 2001, and until her successor is duly appointed and qualified; vice, Cynthia Schwab, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wanda T. Terrell, 4756 Westminister Place, St. Louis City, Missouri 63108, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1997, and until her successor is duly appointed and qualified; vice, C. Keith Whittaker, M.D., resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Loramel P. Shurtleff, Republican, 309 West Burnam Road, Columbia, Boone County, Missouri 65203, as a member of the Public Defender Commission, for a term ending December 30, 2001, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Douglas W. Burnett, 21875 South Mount Pleasant Road, Hartsburg, Boone County, Missouri 65039, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 1997, and until his successor is duly appointed and qualified; vice, Gordon Smith, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Barbara A. Washington, Democrat, 11014 Sugar Pine Court, Apartment J, Florissant, St. Louis County, Missouri 63033, as a member of the Missouri Community Service Commission, for a term ending December 15, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ellen E. Dirnberger, Republican, 526 Forest Green Drive, St. Louis, St. Louis County, Missouri 63119, as a member of the Missouri Women's Council for a term ending December 6, 1997, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Linda G. Arnold, Republican, 502 Johnson, Ashland, Boone County, Missouri 65010, as a member of the Missouri Women's Council, for a term ending December 6, 1998, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 1, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Burton H. Shostak, Democrat, 243 Greetrails Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Public Defender Commission, for a term ending December 30, 2001, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial appointments.

RESOLUTIONS

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1348

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of James J. Gleeson, Sr., of south Kansas City; and

WHEREAS, Mr. Gleeson, among his many accomplishments, had a long and fabulous career in the field of professional baseball, having played for the Cleveland Indians in 1936, the Chicago Cubs in 1939 and 1940, and the Cincinnati Reds in 1941 and 1942, was first base coach for the New York Yankees when they won the American League Pennant and served as a scout for the Milwaukee Brewers until his retirement; and

WHEREAS, Mr. Gleeson, who was born in Kansas City, was a living legend and idol to his thousands of friends and admirers not just in Kansas City but all across America, as well as an ideal role model for all youth everywhere; and

WHEREAS, Mr. Gleeson was a graduate of Rockhurst College, was a Charter Member of the Rockhurst College Hall of Fame, was a member of St. Thomas More Catholic Church, the Knights of Columbus, the Kansas City Sports Hall of Fame, Ducks Unlimited, the Old Timers Baseball Association and was a Navy Veteran of World War II; and

WHEREAS, Mr. Gleeson was a long-time friend of our colleague, the current senator from the 10th District, Senator Harry Wiggins, who is anxious to memorialize his old friend in the annals of the history of Missouri by this resolution; and

WHEREAS, Mr. Gleeson was most of all a devoted husband, father and grandfather, in whose heart and love his family always came first;

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of James J. Gleeson, Sr., distinguished Kansas Citian and American sports hero, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City, to Missouri and to the youth of America, and extend to his wife, Mrs. Julia C. Gleeson, family and countless friends most sincere sympathy on his death.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Julia C. Gleeson; his three sons, James J. Gleeson, Jr., Robert M. Gleeson and William J. Gleeson; Rockhurst College and the Kansas City Sports Hall of Fame.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, his wife, Martha, and their son, Benjamin, St. Charles.

Senator Kinder introduced to the Senate, the Physician of the Day, Dr. Fred Fairchild, M.D., Perryville.

Senator Mathewson introduced to the Senate, Cindy Woolston and twenty-seven ninth grade students from Brunswick High School, Brunswick; and Tiffany Meyer, Amanda Grossman, Melissa Mohs and Jeff Sparks were made honorary pages.

Senator Lybyer introduced to the Senate, Jeff Davis, St. Louis; and Kathy Keith, Chicago.

Senator Caskey introduced to the Senate, Dianna Stephan, Rosemary Eldred, and fifty fourth grade students from Butler Public Schools, Butler; and Adam Appleberry, Dwayne Warden, Mendee Hill and Elizabeth Austin were made honorary pages.

Senator Klarich introduced to the Senate, Tom Simms, St. Louis County.

Senator Treppler introduced to the Senate, Mrs. Pitti and thirty-three eighth grade students from St. Matthias School, St. Louis County.

Senator Graves introduced to the Senate, Charlie and Sherry Jones, Dawn; and Joselyn Dow and forty-five third and fourth grade students from Southwest Elementary School, Ludlow.

Senator Rohrbach introduced to the Senate, Steve Goehl and Matt Billings, Boonville.

Senator Staples introduced to the Senate, Ron Murphy, Phylis Melady, Joanna Minor, John Tharp, Rosalie Archer, Mark Lammert and Jeff David, Ironton.

On behalf of Senator Mueller, Senator Treppler introduced to the Senate, ten students from Nipher Middle School, Kirkwood.

On motion of Sention Banks, the Senate adjourned until 2:00 p.m., Monday, May 6, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-SEVENTH DAY--MONDAY, MAY 6, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

Reverend Dale E. (Gene) Ekstrand offered the following prayer:

Our Father in Heaven, first we thank You for the privilege of living in this beautiful state of Missouri. We ask You to continue to bless our state and its people. We ask You to help us live in harmony with one another. Today, Father, I ask Your blessings upon this session, and may wisdom overcome personal desires. Father, may we always seek Your will in everything we do, and may Your Holy Spirit hover over our state capital, always guiding and directing our leaders. We ask these things in Christ's Name. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, May 2, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Moseley offered Senate Resolution No. 1349, regarding Joshua Jon "Josh" Banker, Moberly, which was adopted.

Senator Moseley offered Senate Resolution No. 1350, regarding Steven Sapp, which was adopted.

Senator Moseley offered Senate Resolution No. 1351, regarding Columbia's 3M Plant, Columbia, which was adopted.

Senator House offered Senate Resolution No. 1352, regarding Laurissa Jeroslow, Austin, Texas, which was adopted.

Senator Maxwell offered Senate Resolution No. 1353, regarding the One Hundred Second Birthday of Blanche C. Cauthorn, Mexico, which was adopted.

Senator Flotron offered Senate Resolution No. 1354, regarding Janice A. Phillips, which was adopted.

Senator Mathewson offered Senate Resolution No. 1355, regarding the Seventy-first Wedding Anniversary of Mr. and Mrs. William L. Reed, Sedalia, which was adopted.

Senator Russell offered Senate Resolution No. 1356, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Burkhardt, Roach, which was adopted.

Senator Mueller offered Senate Resolution No. 1357, regarding Fifth Grade students at St. Paul Lutheran School, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1358, regarding Mark A. Stites, which was adopted.

BILL REFERRALS

President Pro Tem Mathewson referred **SCS** for **SB 504**; **HB 1377**, with **SCS**; **HCS** for **HB 1249**, with **SCS**; **HB 908**, with **SCA 1**; **HCS** for **HB 1372**, with **SCS**; **HB 1113**, with **SCS**; **HJR 58**, with **SCA 1**; **HS** for **HCS** for **HBs 1169** and **1271**, with **SCS**; **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, with **SCS**; **HS** for **HCS** for **HB 1237**, with **SCS**; and **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409**, with **SCS**, to the Committee on State Budget Control.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 523**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SB 703** and **SB 952**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 703** and **SB 952**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

HOUSE BILLS ON THIRD READING

HB 1050, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 800, 812, 817** and **821**, with **SCS**, entitled:

An Act to repeal sections 302.304, 542.276, 544.170, 544.216, 556.037, 557.036, 565.070, 568.045, 568.050 and 568.060, RSMo 1994, and sections 302.302, 565.084 and 571.030, RSMo Supp. 1995, relating to crime, and to enact in lieu thereof twenty new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Caskey.

SCS for **HCS** for **HBs 800, 812, 817** and **821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 800, 812, 817 and 821

An Act to repeal sections 217.730, 317.001, 542.276, 544.170, 556.037, 562.021, 562.026, 569.170, 574.085, 575.020, 575.030 and 575.090, RSMo 1994, sections 565.084 and 571.030, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof twenty-four new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **HCS** for **HBs 800, 812, 817** and **821** be adopted.

Senator Caskey offered **SS** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 800, 812, 817 and 821

An Act to repeal sections 217.730, 317.001, 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, 367.050, 542.276, 544.170, 546.680, 556.037, 562.021, 562.026, 569.170, 571.020, 571.070, 571.090, 574.085, 575.010, 575.020, 575.030, 575.090, 595.025 and 595.045, RSMo 1994, sections 211.321, 549.525, 565.084, 571.030 and 600.042, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof fifty-three new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821** be adopted.

At the request of Senator Caskey, **HCS** for **HBs 800, 812, 817** and **821**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HCS for **HB 991**, with **SCAs 1, 2, 3** and **4**, entitled:

An Act to repeal sections 226.005, 390.150, 508.070 and 622.010, RSMo 1994, relating to motor carriers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Staples.

SCA 1 was taken up.

Senator Staples moved that the above amendment be adopted.

At the request of Senator Staples, **HCS** for **HB 991**, with **SCA 1** (pending), and **SCAs 2, 3 and 4**, was placed on the Informal Calendar.

HB 1244, with **SCS**, introduced by Representative Farmer, et al, entitled:

An Act to repeal section 185.100, RSMo 1994, relating to the Missouri arts council, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator McKenna.

SCS for **HB 1244**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1244

An Act to repeal section 185.100, RSMo 1994, and section 186.055, RSMo Supp. 1995, relating to council trust funds, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **SCS** for **HB 1244** be adopted.

Senator Rohrbach raised the point of order that the Senate Committee Substitute for **HB 1244** is out of order in that the substitute goes beyond the scope and purpose of the bill.

President Pro Tem Mathewson ruled the point of order well taken.

HB 1244 was again taken up.

On motion of Senator McKenna, **HB 1244** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Rohrbach--1

Absent--Senators

Curls

Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Treppler moved that motion lay on the table, which motion prevailed.

HCS for HB 849, entitled:

An Act to repeal section 416.625, RSMo 1994, and section 416.615, RSMo Supp. 1995, relating to certain merchandising practice for the sale of motor fuel, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Maxwell.

Senator Wiggins assumed the Chair.

Senator Lybyer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 849, Pages 2, Section 416.625, Line 7, by striking the following: "If an investigation of a suspected" and further amend lines 8-11, by striking all of said lines; and further amend line 12, by striking "their own behest."; and further amend line 15, by inserting immediately after said line the following:

"3. Notwithstanding any other law to the contrary, the attorney general shall provide any person, upon request, a list of any complaint filed against such person pursuant to sections 416.600 to 416.640. Such request shall be made in writing and shall be in a form and manner as the attorney general may require. Such list shall include, but is not limited to, the name of the person filing such complaint, the date such complaint was filed with the attorney general, and the nature of such complaint."

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

At the request of Senator Maxwell, **HCS for HB 849**, as amended, was placed on the Informal Calendar.

HB 1432, with **SCS**, introduced by Representatives Leake and Liese, entitled:

An Act to repeal section 408.110, RSMo 1994, relating to financial transactions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Quick.

SCS for **HB 1432**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1432

An Act to repeal sections 408.110, 443.130, 456.500, 456.520, 456.600 and 473.787, RSMo 1994, relating to financial transactions, and to enact in lieu thereof twenty new sections relating to the same subject, with an emergency clause for a certain section.

Was taken up.

Senator Quick moved that **SCS for HB 1432** be adopted.

Senator Caskey raised the point of order that the Senate Committee Substitute is out of order in that the Substitute goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna assumed the Chair.

HB 1432 was again taken up.

At the request of Senator Quick, **HB 1432** was placed on the Informal Calendar.

HCS for HB 781, entitled:

An Act relating to certain disclosures relating to the care of patients with Alzheimer's disease.

Was taken up by Senator Flotron.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 781, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following:

"To repeal section 198.067, RSMo 1994, relating to nursing facilities, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions."; and

Further amend said bill, page 1, section 1, line 1, by inserting immediately before said line, the following:

"Section A. Section 198.067, RSMo 1994, is repealed and five new sections enacted in lieu thereof, to be known as sections 198.067, 1, 2, 3 and 4, to read as follows:

"198.067. 1. An action may be brought by the department, or by the attorney general on his own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought under the provisions of this section shall be placed at the head of the docket by the court, and the court shall hold a hearing on any action brought under the provisions of this section no less than fifteen days after the filing of the action.

2. [At the department's request, the attorney general] **The department, or at the department's request, the attorney general**, may bring an action in circuit court to recover a civil penalty **against the licensed operator of the facility as provided by this [sub]section**. Such action shall be brought in the circuit court for the county in which the

facility is located [and], or in the circuit court of Cole County. The moving party shall specify in its petition a recommended amount of penalty to be assessed. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

[(1)] **3. The operator of** any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to ten thousand dollars for each day that the violations existed or continues to exist. **As used in this subsection, the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code.** Violations shall be presumed to continue to exist from the time they are found until the time the division of aging finds them to have been corrected. The amount of the penalty shall be determined as follows:

[(a)] **(1)** For each violation of a class I standard, not less than one hundred fifty dollars nor more than one thousand dollars;

[(b)] **(2)** For each violation of a class II standard, not less than fifty dollars nor more than five hundred dollars;

[(c)] **(3)** For each violation of a class III standard, not less than fifteen dollars nor more than one hundred fifty dollars;

[(d)] **(4)** For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

[(e)] **(5)** For each specific class I violation by the same operator which has been cited within the past twenty-four months and for each specific class II or III violation by the same operator which has been cited within the past twelve months, double the amount last imposed. [Penalties collected pursuant to this subsection shall be deposited in the state general revenue fund.

As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code.] A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

[(2)] **4.** Any individual who willfully and knowingly certifies under subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect to each assessment. Any individual who willfully and knowingly causes another individual to certify under subsection (b)(3)(B)(i) of section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

[3.] **5.** The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. Penalties collected pursuant to this section shall be deposited in the division of aging elderly home delivered means trust fund as established in section 660.078, RSMo.

[4.] **7.** [In any action to recover a civil penalty under this section, no civil penalty shall be awarded for any period that any facility is attempting in good faith to remedy any noncompliance or for any period where any facility is in good faith litigating any substantial question of law or fact. The provisions of supreme court rule 55.03 of the rules of civil procedure as presently stated or as hereafter amended are expressly applicable to any action under this section to recover a civil penalty.] To recover any civil penalty, the moving party shall prove by clear[, cogent] and convincing evidence

that the violation occurred.

8. The licensed operator of a facility against whom an action to recover civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo, at any time prior to hearing. If said licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is found pursuant to subsection 1 and 2 of this section with a violation of a class I standard when such violation results in actual physical or sexual injury to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars. The liability of the facility for civil penalties under this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation."

Senator Flotron moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Johnson resumed the Chair.

SA 1 was again taken up.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator McKenna resumed the Chair.

Senator Howard offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 781, Page 1, In the Title, Line 2, by striking all of said line and inserting in lieu thereof the following: "Relating to certain disclosures relating to the care of patients, with penalty provisions."; and

Further amend said bill, page 2, section 4, line 9, by inserting immediately after said line, the following:

"Section 5. It shall be an unlawful practice for any long-term care facility, as defined in section 198.006, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which advertises, markets or otherwise promotes their quality assurance program to residents, prospective residents, their families or representatives to refuse to provide copies of documents which reflect the facilities evaluation of the quality of care, except that a facility may remove information that would allow identification of any resident.

Section 6. Each request for access to copies of documents which reflect the facility's quality assurance program shall be acted on as soon as possible, but in no event later than the end of the third business day

following the date the request is received by the facility. If the facility is requested to provide copies, a reasonable amount, as established by departmental rule, may be charged. If copies of documents are not granted immediately, the facility shall give detailed explanation of the cause for further delay and the place and earliest time and date that the documents will be available for inspection. However, this period of document production shall not exceed ten business days following the date the request is received by the facility.

Section 7. Any long-term care facility, as defined in section 198.006, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which commits an unlawful practice under this section shall be cited with a violation of a class II standard as defined in section 198.067, RSMo.

Section 8. Any long-term care facility, as defined in section 198.006, RSMo, except a facility which is a residential care facility I or a residential care facility II, as defined in section 198.006, RSMo, which commits an unlawful practice under this section shall be liable for damages in a civil action and/or a civil penalty for each violations, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 781, Page 1, In the Title, Line 2, by deleting all of said line and inserting in lieu thereof the following:

"To repeal section 172.803, RSMo 1994, relating to certain disclosures and research relating to the care of patients with Alzheimer's disease, and to enact in lieu thereof five new sections relating to the same subject."; and

Further amend said bill, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"Section A. Section 172.803, RSMo 1994, is repealed and five new sections enacted in lieu thereof, to be known as sections 172.803, 1, 2, 3, and 4, to read as follows:

172.803. 1. The board of curators, with the recommendations of the advisory board, shall award funds to selected investigators in accordance with the following provisions:

(1) Individual awards shall not exceed [twenty] **thirty** thousand dollars per year and shall expire at the end of one or two years, depending on the recommendation of the advisory board for each award;

(2) Costs for overhead of the grantee individual or institution shall not be allowed;

(3) Investigators shall be employees or staff members of public or private educational, health care, voluntary health association or research institutions which shall specify the institutional official responsible for administration of the award;

(4) Subject to the provisions of subsection 3 of section 172.801, preference shall be given to investigators new to the field of alzheimer's disease and related disorders and to those experienced in the field but departing in a research direction different from their previous work. Lesser preference shall be given to proposals to sustain meritorious research in progress;

(5) Awards shall be used to obtain preliminary data to test hypotheses and to enable investigators to develop subsequent competitive applications for long-term funding from other sources; and

(6) The research project shall be conducted in Missouri.

2. Funds appropriated for but not awarded to research projects in any given year shall be [included in the board of curators' appropriations request for research projects in the succeeding year] **retained by the board of curators until such funds are awarded and shall not be expended for any other purpose."**

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 781, Page 1, Section 3, Line 6, by inserting after the period "." on said line the following:

"At the time of admission of a patient requiring treatment rendered by the Alzheimer's special care program, a copy of the disclosure made to the department shall be delivered by the facility to the next-of-kin of the patient."

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 781, Page 1, Section 2, Line 3, by adding immediately after the word "center", the following: "hospital,".

Senator Kenney moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Wiggins offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 781, Page 1, Section 1, Line 1, by inserting immediately before said line the following:

"197.312. A certificate of need shall not be required for any institution previously owned and operated for or in behalf of a city not within a county which chooses to be licensed as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, [or] for a facility of ninety beds or less that is owned or operated by a not for profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by August 1, 1995, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivision (15) or (16) of section 198.006, RSMo, **or for a facility, serving exclusively mentally ill, homeless persons, of sixteen beds or less that is owned or operated by a not for profit corporation which is exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, which is controlled directly by a religious organization and which has received approval by the division of aging of plans for construction of such facility by May 1, 1996, and is licensed by the division of aging by July 1, 1996, as a facility defined under subdivisions (15) or (16) of section 198.006, RSMo."**; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Howard raised the point of order that **SA 6** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

On motion of Senator Flotron, **HCS** for **HB 781**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Curls	Moseley	Scott--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Johnson moved that motion lay on the table, which motion prevailed.

HCS for **HB 1099**, with **SCS**, entitled:

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, and 266.220, RSMo 1994, and section 266.195, RSMo Supp. 1995, relating to the commercial feed law, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an effective date.

Was taken up by Senator Johnson.

SCS for **HCS** for **HB 1099**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1099

An Act to repeal sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.200, 266.205, 266.210, 266.220, 276.401, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.115, 411.131, 411.180, 411.260, 411.261, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.471, 411.517, 411.518 and 411.519, RSMo 1994, and sections 266.195, 411.026 and 411.070, RSMo Supp. 1995, relating to agricultural products, and to enact in lieu thereof forty-nine new sections relating to the same subject, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

Was taken up.

Senator Johnson moved that **SCS** for **HCS** for **HB 1099** be adopted.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 17, Section 266.200, Line 51, by striking the word "shall" and inserting in lieu thereof the following: "**may**"; and further amend line 52, by striking the following: "person named on the label" and inserting in lieu thereof the word "**guarantor**"; and further amend line 53, by striking the word "purchaser" and inserting in lieu thereof the word "**distributor**"; and

Further amend said bill, page 20, section 266.212, line 25, by inserting immediately after "RSMo" the following: ", **within thirty days after receipt of an order assessing an administrative penalty**"; and further amend line 31, by inserting immediately after "court" the following: "**within thirty days after receipt of the final administrative order**"; and

Further amend said bill, page 81, Section B, line 2, by striking the following: "266.152, 266.160,"; and further amend line 3, by striking all of said line; and further amend line 4, by striking the following: "266.205, 266.210 and 266.220" and inserting in lieu thereof the following: "276.401, 276.404, 276.411, 276.421, 276.423, 276.426, 276.436, 276.441, 276.456, 276.461, 276.471, 276.486, 276.491, 276.501, 276.506, 276.511, 276.516, 411.026, 411.070, 411.180, 411.260, 411.271, 411.278, 411.280, 411.283, 411.287, 411.321, 411.323, 411.325, 411.391, 411.405, 411.517, 411.518, 411.519 and 411.800"; and

Further amend said bill and page, Section C, lines 1-5, by striking all of said lines and inserting in lieu thereof the following:

"Section C. Sections 266.152, 266.160, 266.165, 266.170, 266.175, 266.180, 266.185, 266.190, 266.195, 266.200, 266.205, 266.210 and 266.220, RSMo, shall".

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Wiggins offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 27, Section 276.421, Lines 18 and 19, by deleting the words "**or an independent accountant**".

Senator Wiggins moved that the above amendment be adopted.

Senator Klarich offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 60, Section 411.260, Line 19, by inserting immediately after the word "accountant", the following: "**or an independent accountant**".

Senator Klarich moved that the above substitute amendment be adopted.

At the request of Senator Johnson, **HCS** for **HB 1099**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1168** and **CCS** for **SCS** for **HCS** for **HB 895** and **HB 986**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

BILLS DELIVERED TO THE GOVERNOR

SS for **SCS** for **SB 507**; **SS** for **SB 521**; **SB 703**; and **SB 952**, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

BILLS DELIVERED TO THE

SECRETARY OF STATE

SJR 29, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Secretary of State by the Secretary of the Senate.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 506**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 933**, entitled:

An Act to repeal sections 311.102, 311.176, 311.300, 311.680 and 311.691, RSMo 1994, and section 311.070, RSMo Supp. 1995, relating to intoxicating beverages, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4 and 6.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 933, page 10, section 311.680, line 5 and 6, by striking the following on lines 5 and 6:

"; impose a civil penalty as authorized in subsection 2 of this section,"; and

Further amend said bill, section 311.680, line 8, by striking the following:

"; impose a civil penalty,"; and

Further amend said bill, section 311.680, line 9, by striking the following on said line:

"civil penalty,"; and

Further amend said bill, same page, section 311.680, lines 10 through 13, by striking all of lines 10 through 13 and inserting in lieu thereof the following:

"2. Any wholesaler licensed pursuant to chapter 311 or 312, RSMo, in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 933, Page 1, In the Title, Line 2, by inserting after the number "311.300," the number "311.360,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "seven" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "311.300," the number "311.360,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seven" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "311.300," the number "311.360,"; and

Further amend said bill, Page 10, Section 311.300, Line 24, by inserting after all of said line the following:

"311.360. **1.** No person holding a license or permit shall sell malt liquor, or any other intoxicating liquor in this state, or shall offer for sale any such malt liquor, or other intoxicating liquor, whatsoever, brewed, manufactured or distilled by one manufacturer, in substitution for, or with the representation that any such malt liquor or other intoxicating liquor, is the product of any other brewer, manufacturer or distiller. Whosoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor.

2. Any malt liquor which is offered for sale in this state and manufactured at other than a facility owned by the person whose name appears on the label of the container shall include on the label the name and location of the owner of the facility which produced and packaged the malt liquor. This subsection shall become effective January 1, 1997."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Bill No. 933, Page 3, Section 311.070, Line 83, by inserting after the word "give" the following: **"a gift not to exceed a value of one thousand dollars per year,"**

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Bill No. 933, Page 1, In the Title, Line 2, by inserting after the number "311.300," the number "311.330,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "seven" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the number "311.300," the number "311.330,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seven" and inserting in lieu thereof the word "eight"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "311.300," the number "311.330,"; and

Further amend said bill, Page 10, Section 311.300, Line 24, by inserting after all of said line the following:

"311.330. It shall be unlawful for the holder of any license authorized by this chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than **either** the kind of liquor expressly authorized to be sold by such license, **or any kind of liquor used exclusively as an ingredient in any foods being prepared and sold on the premises.**".

HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Bill No. 933, Page 10, Section 311.300, Line 1, by deleting the word and number "and 3" and inserting in lieu thereof the following: "[and], 3 **and 4**"; and

Further amend said bill, Page 10, Section 311.300, Line 7, by inserting after the word "displays", the following: "**operate the cash register or scanner connected to a cash register and**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 914** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1, SSA 1** for **SA 3, SSA 1** for **SA 4, SA 5** to **HB 811** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 640**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 640, page 1, In the Title, lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 144.805, RSMo 1994, relating to sales and use tax, and to enact in lieu thereof one new section relating to the"; and

Further amend said bill, Page 1, Section A, Lines 1 through 3, by deleting all of said lines and inserting in lieu

thereof the following:

"Section A. Section 144.805, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 144.805, to read as follows:"; and

Further amend said bill, Pages 1, 2 and 3, Section 144.748, Lines 1 through 79, by deleting all of said section 144.748; and

Further amend said bill, Page 4, Section 144.805, Line 37, by inserting immediately after said line the following:

"Section B. One new section is enacted, to be known as section 144.809, to read as follows:

144.809. In addition to the exemptions granted pursuant to the provisions of section 144.030, there is hereby specifically exempted from the provisions of, and the computation of the tax levied, assessed or payable under, any state or local sales or use tax, or any increase in any state or local sales or use tax rate, which tax or increase was not in effect on December 30, 1987, the sale, storage, use or consumption of aviation jet fuel at or upon airports within the state of Missouri, which airports are recipients of federal grant funds, have submitted applications for or have been approved for federal grant funds, or which are otherwise eligible to apply for federal grant funds."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 759**, entitled:

An Act to repeal sections 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270 and 375.1275, RSMo 1994, relating to organizational structure and capital requirements of certain insurers, and to enact in lieu thereof twenty-four new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 759, Page 2, Section 375.1250, Line 23, by inserting immediately before the word "director" an opening bracket "["; and

Further amend said bill, Page 2, Section 375.1250, Line 24, by inserting immediately after the word "adopted" the following: "] **NAIC, as such RBC instructions may be amended**"; and

Further amend said bill, Page 10, Section 375.1267, Lines 35 to 37, by striking all of said lines and inserting in lieu thereof the following: "**is authorized to write**".

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Moseley moved that the Senate refuse to recede from its position on **SA 1, SSA 1 for SA 3, SSA 1 for SA 4, and SA 5 to HB 811** and grant the House a conference thereon, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Burton H. Shostak for the Public Defender Commission, submitted to you on May 1, 1996. Line 1 should be amended to read:

Burton H. Shostak, Democrat, 243 Greentrails Drive

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald Ray Loveland, Democrat, 2902 Riverdale Road, Ozark, Christian County, Missouri 65721, as a member of the State Soil and Water Districts Commission, for a term ending May 2, 1999, and until his successor is duly appointed and qualified; vice, Senate Bill 65.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy R. Hamilton, Democrat, 16786 Brown Road, Elk Creek, Texas County, Missouri 65464, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 1998, and until her successor is duly appointed and qualified; vice, Jim Scaggs, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. Mitchell, Republican, 201 Chestnut Street, Richland, Pulaski County, Missouri 65556, as a member of the Board of Probation and Parole, for a term ending August 16, 2000, and until his successor is duly appointed and qualified; vice, Victoria Myers, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey J. Simon, 608 Romany Road, Kansas City, Jackson County, Missouri 64113, as a member of the Kansas City Board of Police Commissioners, for a term ending March 7, 2000, and until his successor is duly appointed and qualified; vice, Jack W. Headley, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Consuelo "Connie" Washington, Democrat, 4445 Floriss Place, St. Louis City, Missouri 63115, as a member of the Tourism Commission, for a term ending January 15, 1997, and until her successor is duly appointed and qualified; vice, Sandra Taylor, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Russell E. Steele, Democrat, 18 Grim Drive, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Motor Vehicle Commission, for a term ending December 30, 1999, and until his successor is duly appointed and qualified; vice, William McMurray, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan L. Constance, Republican, 3247 Longfellow, St. Louis City, Missouri 63104, as a member of the Missouri Development Finance Board, for a term ending September 14, 1999, and until her successor is duly appointed and qualified; vice, Thomas Fitzsimmons, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Louis P. Hamilton, Democrat, #4 Sappington Spur, Oakland, St. Louis County, Missouri 63122, as a member of the Tourism Commission, for a term ending January 15, 2000, and until his successor is duly appointed and qualified; vice, Linda D. Thomas, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 2, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 29, 1996, for your advice and consent.

Peter M. Schloss, 19200 Neth Road, Trimble, Clay County, Missouri 64492, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 1999, and until his successor is duly appointed and qualified; vice, Jean Goldstein, term expired.

Sincerely,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 1996, for your advice and consent.

Gerald J. Kampeter, 225 Indian Meadow Drive, Jefferson City, Cole County, Missouri 65101, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 1998, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sincerely,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 30, 1996, for your advice and consent.

Donald L. Gann, 1881 Halifax Road, Holts Summit, Callaway County, Missouri 65043, as a member of the Missouri Head Injury Advisory Council for a term ending May 12, 1997, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Sincerely,

MEL CARNAHAN

Governor

Senator Banks moved that the above appointments be returned to the Governor, per his request, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following committee to act with a like committee from the House on **HB 811**, as amended: Senators Moseley, Banks, Wiggins, Sims and Singleton.

President Pro Tem Mathewson appointed the following committee to act with a like committee from the House on **HCS for SB 914**: Senators Quick, DePasco, Clay, Treppler and Klarich.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 3, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 818 entitled:

"AN ACT"

To repeal section 70.500, RSMo Supp. 1995, relating to the Kansas and Missouri Metropolitan Culture District Compact, and to enact one new section relating to the same subject, with an emergency clause.

On May 3, 1996, I approved said Senate Bill No. 818.

Respectfully submitted,

MEL CARNAHAN

Governor

RESOLUTIONS

Senator Klarich offered Senate Resolution No. 1359, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Calvin Schaeg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, members of the clergy and their families, Kip Leitner, Patricia Pierce, Gordon and Patricia Curtner and Reverend and Mrs. Randy Gilmore, Butler; Thomas and Anna Bonner, Chuck and Shelly Phillips and Gene and Carolyn Ekstrand, Windsor; Dwain and Leslie Carter, Leeton; Philip and Julie Simcosky, Raymore; Reverend and Mrs. George Hecker, Roy and Arlene McAuley, Ed and Evelyn Harris and Michael and Deborah Stith, Warrensburg; Brent and Tamera Dickerson, Greenwood; Lowell Mize, Raymore; Roger Brant, Knob Noster; Earnest and Barbara Stewart, Jesse D. Thomas and Earl and Lee Marvin, Clinton; Loren and Claudette Fritz and Reverend and Mrs. Charles Sutton, Harrisonville; Reverend and Mrs. Carl E. Rea, Holden; Othal and Madge Hodson, Strasburg; Ken and Darlene Steckly, Garden City; Robert and Becky Martin, Joyce Guffey and Mary Alice Sellers, Adrian; Timothy and Shelley Brown, Appleton City; Reverend Mike Prince, Columbus; Reverend Bill Runyon, Certerview; and Larry and Pam Curtis, Deepwater.

Senator Staples introduced to the Senate, sixth grade students from Bunker.

Senator Treppler introduced to the Senate, Carol Prince and one hundred fourth grade students from Bernard Elementary School, Mehlville.

On motion of Senator Banks, the Senate adjourned under the Rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-EIGHTH DAY--TUESDAY, MAY 7, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we may not be able to preach like Peter, or have the faith of Esther, or the sweet spirit of Mary, but we all have our own resources to use. We pray that You will take our talent, time, influence and possessions and use them to accomplish Your will on earth. We pause to give thanks for the gifts we have to use. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

Senator McKenna assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Mathewson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the general assembly is continually asked to act upon measures dealing with complex and controversial subjects; and

WHEREAS, such measures frequently require lengthy and comprehensive study and evaluation; and

WHEREAS, the committee system of evaluation of proposed legislation has time and again proved its worth to the entire membership of the general assembly;

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring therein, that the standing committees of each house and such other committees of the Senate and House of Representatives as the president pro tem or the speaker shall designate may meet within the state, and without the state with the approval of the president pro tem or speaker, as the case may be, to consider bills or to perform any other necessary legislative function during the interim prior to the convening of the 89th general assembly; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the members of each committee incurred while attending such committee meetings of those committees, and the expenses of the research and clerical personnel assigned thereto, be paid from the appropriate House or Senate contingent fund.

PRIVILEGED MOTIONS

Senator Caskey moved that **SS** for **SCS** for **SB 494**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SB 494**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 494

An Act to repeal sections 214.270, 362.119, 473.020, 473.033, 473.050, 473.070, 473.090, 473.093, 473.097, 473.213, 473.360, 473.433, 473.543, 473.657, 473.663, 473.823, 473.840, 474.010, 474.250, 474.260, 474.290, 474.333 and 537.021, RSMo 1994, relating to the administration of estates, and to enact twenty-four new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator Johnson assumed the Chair.

Senator Caskey moved that **HCS** for **SS** for **SCS** for **SB 494**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Scott
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senator Goode--1

Absent--Senators

Graves	Kinder	Schneider	Sims--4
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Absent with leave--Senators--None

On motion of Senator Caskey, **HCS** for **SS** for **SCS** for **SB 494**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Howard--1

Absent--Senator Sims--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Howard--1

Absent--Senator Sims--1

Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Banks moved that the Senate refuse to concur in **HA 1** and Part I of **HA 2**, as amended, to **SB 858** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Klarich moved that **SB 835**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 835**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 835

An Act to repeal sections 351.120, 351.215 and 351.750, RSMo 1994, and sections 351.200, 351.245, 351.250, 351.265, 351.320, 351.478 and 351.482, RSMo Supp. 1995, relating to corporations, and to enact in lieu thereof eleven new sections relating to the same subject.

Was taken up.

Senator Klarich moved that **HCS** for **SB 835** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna

Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Klarich, **HCS** for **SB 835** was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Sims--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SB 491**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Howard--1

Absent--Senator Sims--1

Absent with leave--Senators--None

On motion of Senator Scott, **SB 491**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Johnson	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Graves	Howard	Kenney--3
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Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Lybyer moved that **SCS** for **SB 759**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 759**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 759

An Act to repeal sections 375.1250, 375.1252, 375.1255, 375.1257, 375.1260, 375.1262, 375.1265, 375.1267, 375.1269, 375.1270 and 375.1275, RSMo 1994, relating to organizational structure and capital requirements of certain insurers, and to enact in lieu thereof twenty-four new sections relating to the same subject.

Was taken up.

Senator Lybyer moved that **HCS** for **SCS** for **SB 759**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators

Schneider Singleton--2

Absent--Senators--None

Absent with leave--Senators--None

Senator Moseley requested unanimous consent of the Senate to be excused from voting under the provisions of Senate Rule 90, which request was granted.

On motion of Senator Lybyer, **HCS** for **SCS** for **SB 759**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Mueller
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators

Banks	Caskey	Clay	Graves
Melton	Schneider--6		

Absent--Senator Bentley--1

Absent with leave--Senators--None

Excused from voting--Senator Moseley--1

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Wiggins assumed the Chair.

Senator Klarich moved that **SB 845**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Klarich moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Klarich, **SB 845**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Treppler--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Maxwell moved that **SB 578**, with **HAs 1** and **2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Schneider	Staples--2
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Absent with leave--Senators--None

HA 2 was taken up.

Senator Maxwell moved that the above amendment be adopted.

Senator Singleton offered a substitute motion that the Senate refuse to concur in **HA 2** to **SB 578** and request the House to recede from its position and take up and pass **SB 578**, as amended by **HA 1**, or failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Maxwell, **SB 578**, as amended by **HA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Johnson moved that **SCS No. 2** for **SB 860**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS No. 2** for **SB 860**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE NO. 2
FOR SENATE BILL NO. 860

An Act to repeal sections 169.035, 169.050, 169.440, 169.450, 169.475, 169.589 and 169.650, RSMo 1994, and sections 169.020, 169.055, 169.056, 169.057, 169.070, 169.075, 169.410, 169.560, 169.630, 169.655, 169.660, and 169.670, RSMo Supp. 1995, and both versions of section 169.570, RSMo Supp. 1995, as enacted during the first regular session of the eighty-eighth general assembly, relating to the public school retirement system, and to enact in lieu thereof twenty-three new sections relating to the same subject, with an effective date for certain sections and with an emergency clause for a certain section.

Was taken up.

Senator Johnson moved that **HCS** for **SCS No. 2** for **SB 860**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator Rohrbach--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Johnson, **HCS** for **SCS No. 2** for **SB 860**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Rohrbach--1

Absent--Senator Sims--1

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay

Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Russell	Schneider	Scott	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Rohrbach--1

Absent--Senator Sims--1

Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Graves moved that **SB 834**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Graves moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Melton	Quick	Sims--4
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Absent with leave--Senators--None

On motion of Senator Graves, **SB 834**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Melton	Quick	Sims--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Graves, title to the bill was agreed to.

Senator Graves moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 677**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Moseley	Mueller
Rohrbach	Russell	Schneider	Scott
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Curls	Lybyer	Melton	Quick
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Sims--5

Absent with leave--Senators--None

On motion of Senator Caskey, **SCS for SB 677**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Treppler

Westfall Wiggins--30

Nays--Senators--None

Absent--Senators

Curls	Melton	Quick	Sims--4
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Curls	Melton	Quick	Sims--4
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Absent with leave--Senators--None

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 895**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey submitted the following:

MISSOURI SENATE

Jefferson City

May 7, 1996

TO: Senate Ethics Committee

FROM: Harold L. Caskey, Chairman

RE: Motion

Senators from the greater Kansas City area have requested permission to form a "Kansas City Caucus".

Rule 102 provides, inter alia, that participation of members, officers and staff in activities authorized in section 105.470.4 (2)(c), RSMo, will not come under the provisions of the Rule.

Section 105.470.4(2)(c), RSMo authorizes the activities of caucuses of the Senate or House, but requires that those caucuses be approved by the Ethics Committee of the respective chamber.

/s/ Harold L. Caskey /s/ John E. Scott

Chair Vice-chair

/s/ Edward E. Quick /s/ John D. Schneider

/s/ Harry Wiggins /s/ Steve Ehlmann

/s/ Bill Kenney /s/ Peter Kinder

/s/ David Klarich

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the conferees on **HCS** for **SS** for **SB 687** be allowed to exceed the differences in two areas; by giving the Governing Council greater authority to approve the Boards' budget and second to give the public review committee authority to put issues on the ballot, which address the structure and the board, for the voters of St. Louis County to decide.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HB 974** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon. Also, allow the conferees to exceed the differences in order to increase the mandatory minimum time for those defendants who have a prior conviction for child molestation or sexual abuse first degree when classified as a B felony when the defendant has been found to be a predatory sexual offender.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1002**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1002**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1003**, as amended, and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1003**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1004** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1004**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has offered into and adopted **HCR 13**.

WHEREAS, the members of the Missouri House of Representatives consider it a primary function of this legislative body to ensure the health and well-being of the citizens of this state; and

WHEREAS, the people of the City of St. Louis and St. Louis County have been concerned over proposals relating to the operation of the St. Louis Metropolitan Sewer District; and

WHEREAS, recently, a special East-West Gateway Council appointed by St. Louis County Executive George R. (Buzz) Westfall conducted a study concerning options for the operation of the Metropolitan Sewer District, and as a result of that study, recommended that the Sewer District be privatized; and

WHEREAS, this recommendation has prompted citizens and leaders throughout the Metropolitan area to raise serious questions as to whether or not the privatization of the Metropolitan Sewer District would serve the best interests of the public; and

WHEREAS, an in-depth study needs to be conducted to determine what measures at the state level, if any, need to be taken to ensure that the needs and interests of the people of St. Louis have been fully considered with regard to the proposed privatization of the St. Louis Metropolitan Sewer District;

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri House of Representatives of the Eighty-eighth General Assembly, the Senate concurring therein, that an interim committee of the General Assembly be created to be composed of five members of the House, to be appointed by the Speaker of the House, and five members of the Senate, to be appointed by the President Pro Tem of the Senate, at least three members from the House and three members from the Senate shall be residents of St. Louis County and that said committee be authorized to function during the interim between the Eighty-eighth and the Eighty-ninth General Assemblies; and

BE IT FURTHER RESOLVED that said committee make a comprehensive study of the proposed privatization of the St. Louis Metropolitan Sewer District relating to its impact on welfare of the community, and conduct hearings in St. Louis County or St. Louis City to assess concerns over the proposed privatization and to obtain a full spectrum of opinions and suggestions concerning the management of the Metropolitan Sewer District; and

BE IT FURTHER RESOLVED that the committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission during the First Regular Session of the Eighty-ninth General Assembly; and

BE IT FURTHER RESOLVED that the Committee on Legislative Research, Senate Research and House Research provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the task force, its members, and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof, be paid from the Joint Contingent Fund.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 1005** and requests further conference on **SCS** for **HCS** for **HB 1005**.

President Wilson assumed the Chair.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1360, regarding Mayor Brainerd W. LaTourette, Jr., Richmond Heights, which was adopted.

Senator Wiggins offered Senate Resolution No. 1361, regarding Anna Marie Feuerborn and Douglas Edward Beckwith, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1362, regarding the Twenty-seventh Birthday of Tom Bukaty, South Kansas City, which was adopted.

Senator Howard offered Senate Resolution No. 1363, regarding Stephen Alan Froman, Patterson, which was adopted.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate refuse to grant further conference on **SCS** for **HCS** for **HB 1005**, as amended, and request the House to take up and adopt the Conference Committee Report on **SCS** for **HCS** for **HB 1005**, as amended, which motion prevailed.

Senator Sims moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 974** and grant the House a conference thereon, and further, allow the conferees to exceed the differences in order to increase the mandatory minimum time for those defendants who have a prior conviction for child molestation or sexual abuse first degree when classified as a B felony when the defendant has been found to be a predatory sexual offender, which motion prevailed.

Senator McKenna moved that **SCS** for **SB 598**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 598**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 598

An Act to repeal sections 115.124 and 247.180, RSMo 1994, and section 640.100, RSMo Supp. 1995, relating to public water supply districts, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator McKenna moved that **HCS** for **SCS** for **SB 598** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators--None

On motion of Senator McKenna, **HCS** for **SCS** for **SB 598** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that **SCS** for **SB 640**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Scott moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls	Flotron--2
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Absent with leave--Senators--None

On motion of Senator Scott, **SCS** for **SB 640**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Flotron	Howard--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Melton moved that **SCS** for **SB 668**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

On motion of Senator Melton, **SCS** for **SB 668**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Melton moved that **SCS** for **SB 670**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Flotron--1

Absent with leave--Senators--None

On motion of Senator Melton, **SCS** for **SB 670**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Flotron	Johnson	McKenna	Staples--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Mueller moved that **SB 683**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 683**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 683

An Act to repeal section 408.140, RSMo 1994, relating to financial institutions, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Mueller moved that **HCS** for **SB 683** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Goode	Howard	Maxwell--3
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Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Mueller, **HCS** for **SB 683**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Goode	Kenney	Maxwell--3
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Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Mueller, title to the bill was agreed to.

Senator Mueller moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Flotron moved that **SB 715**, with **HCS**, be taken up for 3rd reading and final passage, which motion

prevailed.

HCS for **SB 715**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 715

An Act to repeal section 226.445, RSMo 1994, relating to the Mississippi River Parkway Commission, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Flotron moved that **HCS** for **SB 715** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Melton	Schneider--2
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Absent with leave--Senators--None

On motion of Senator Flotron, **HCS** for **SB 715** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples Treppler Westfall Wiggins--32

Nays--Senators--None

Absent--Senators

Melton Mueller--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Ehlmann moved that **SB 728**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Schneider--1

Absent with leave--Senators--None

On motion of Senator Ehlmann, **SB 728**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Ehlmann, title to the bill was agreed to.

Senator Ehlmann moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Maxwell moved that **SS** for **SB 740**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Russell
Schneider	Scott	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Rohrbach--1

Absent--Senators

McKenna Sims--2

Absent with leave--Senators--None

On motion of Senator Maxwell, **SS** for **SB 740**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Russell	Schneider
Scott	Singleton	Staples	Treppler

Wiggins--29

Nays--Senators

Rohrbach Westfall--2

Absent--Senators

Flotron McKenna Sims--3

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Howard assumed the Chair.

Senator Westfall moved that **SB 792**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Westfall moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Bentley	Scott	Sims--3
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Absent with leave--Senators--None

On motion of Senator Westfall, **SB 792**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Bentley	Flotron	Sims--3
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Clay moved that **SB 855**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Flotron	Mueller--2
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Absent with leave--Senators--None

On motion of Senator Clay, **SB 855**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Johnson

Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Pro Tem Mathewson resumed the Chair.

Senator Melton moved that **SB 926**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Melton moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Westfall
Wiggins--29			

Nays--Senators--None

Absent--Senators

Bentley	Ehlmann	Quick	Scott
Treppler--5			

Absent with leave--Senators--None

On motion of Senator Melton, **SB 926**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Bentley	Quick	Treppler--3
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Melton, title to the bill was agreed to.

Senator Melton moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator McKenna moved that **SB 930**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott

Sims	Singleton	Staples	Westfall
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Wiggins--33

Nays--Senators--None

Absent--Senator Treppler--1

Absent with leave--Senators--None

On motion of Senator McKenna, **SB 930**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Treppler--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Flotron moved that **SB 933**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 933**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 933

An Act to repeal sections 311.102, 311.176, 311.300, 311.680 and 311.691, RSMo 1994, and section 311.070, RSMo Supp. 1995, relating to intoxicating beverages, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Flotron moved that **HCS** for **SB 933**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Kinder	Klarich
Lybyer	Mathewson	McKenna	Moseley
Mueller	Quick	Rohrbach	Scott
Sims	Staples	Treppler--23	

Nays--Senators

Caskey	Johnson	Kenney	Maxwell
Melton	Russell	Singleton	Westfall

Wiggins--9

Absent--Senators

DePasco	Schneider--2
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Absent with leave--Senators--None

On motion of Senator Flotron, **HCS** for **SB 933**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Clay	Curls	Ehlmann
Flotron	Goode	Graves	Kinder
Lybyer	Mathewson	McKenna	Moseley
Mueller	Quick	Rohrbach	Scott
Sims	Staples	Treppler	Wiggins--20

Nays--Senators

Banks	Caskey	House	Howard
Johnson	Kenney	Klarich	Maxwell

Melton Russell Singleton Westfall--12

Absent--Senators

DePasco Schneider--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Staples moved that **SB 947**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 947**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 947

An Act relating to the conveyance of certain property in St. Francois and Buchanan Counties.

Was taken up.

Senator Staples moved that **HCS** for **SB 947** be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

DePasco Schneider--2

Absent with leave--Senators--None

On motion of Senator Staples, **HCS** for **SB 947** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Westfall, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 657**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 657

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 657, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 657;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 657;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Morris Westfall /s/ Ken Legan

/s/ Joe Moseley /s/ Don Lograsso

/s/ John T. Russell /s/ Craig Hosmer

/s/ Sidney Johnson /s/ Greg Canuteson

/s/ Harold L. Caskey /s/ Randall Relford

Senator Westfall moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Curls	McKenna	Scott	Staples--4
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Absent with leave--Senators--None

On motion of Senator Westfall, **CCS** for **HCS** for **SCS** for **SB 657**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 657

An Act to repeal section 570.030, RSMo 1994, relating to the crime of stealing, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	McKenna	Quick	Staples--4
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Westfall, title to the bill was agreed to.

Senator Westfall moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Goode moved that the Senate conferees on **HCS** for **SCS** for **SB 687** be allowed to exceed the differences by giving the Governing Council greater authority to approve the Boards' budget and, second, to give the public review committee authority to put issues on the ballot, which address the structure and the board, for the voters of St. Louis County to decide, which motion prevailed.

Senator McKenna resumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1019**, entitled:

An Act to appropriate money for capital improvement, transfer money between various funds, and other purposes for

the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1996 and ending June 30, 1997.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SB 914**: Representatives Skaggs, Canuteson, Hoppe, Cooper, Long.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HB 811**, as amended: Representatives Smith, Kelly (27), Lakin, Ostmann, Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1005** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1005**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1006** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1006**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1007** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1007**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1008** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1008**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1009** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1009**.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Sharon K. Spence for the Jackson County Board of Election Commissioners, submitted to you on May 1, 1996. Line 2 should be amended to read:

County, Missouri 64064, as the Secretary

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above addendum to the Committee on Gubernatorial Appointments.

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 929, entitled:

"AN ACT"

To repeal section 195.017, relating to the regulation of certain drugs, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Senate Bill No. 929 is vetoed and not approved for the following reasons:

The primary purpose of this bill is to protect Missouri citizens from harmful drugs by making it illegal to market, sell, distribute, advertise or label any drug product containing ephedrine or pseudoephedrine for uses which are not FDA approved. However, the bill creates the class A misdemeanor of possession of ephedrine or pseudoephedrine with the intent to manufacture methamphetamine which conflicts with the current classification of such an act as a class D felony. As a result of the conflict, I must object to the bill because this provision would reduce the penalty from a class D felony to a class A misdemeanor.

I strongly support law enforcement's efforts to combat the illegal manufacture and distribution of methamphetamine in Missouri. Senate Bill No. 929, however, contains a provision I believe inadvertently weakens one of our drug laws.

For the above and foregoing reasons, Senate Bill 929 is returned and not approved.

Respectfully submitted,

MEL CARNAHAN

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 974**: Senators Sims, Bentley, Wiggins, Moseley and McKenna.

On motion of Senator Banks, the Senate recessed until 8:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Wiggins.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1364, regarding the death of Jack Gardinier Matthews, South Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1365, regarding the death of Edward M. Ironsmith, Jr., Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1366, regarding the death of Rachel Lural Provyn Nickerson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1367, regarding the death of Mrs. Ethel Croessmann Felts, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1368, regarding the death of Ida Rose, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1369, regarding the death of Mrs. Sheilia Ann Fulton, Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1370, regarding the death of Alice Margaret Gill, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1371, regarding the death of Elizabeth "Betty" Chapman, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1372, regarding the death of James E. "Jim" Boxley, South Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1373, regarding the death of Geraldine Clark, Raytown, which was adopted.

Senator Wiggins offered Senate Resolution No. 1374, regarding the death of Virginia G. Lamb, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1375, regarding the death of Louise L. Gauthier, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1376, regarding William T. Betz, D.O., Grandview, which was adopted.

Senator Wiggins offered Senate Resolution No. 1377, regarding Mary Kathleen Meiners, Kansas City, and David Braddock, which was adopted.

Senator Banks offered Senate Resolution No. 1378, regarding the death of Mr. Albert D. Jones, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Financial and Governmental Operations, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HJR 49**, begs leave to report that it has considered the same and recommends that the joint resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Joint Resolution No. 49, Page 3, Section 37(e), Line 71, by striking "thirty-five" and inserting in lieu thereof "**forty-five**"; and further amend line 75, by striking "seventy" and inserting in lieu thereof the following: "**one hundred five**".

Also,

Mr. President: Your Committee on Financial and Governmental Operations, to which was referred **HS No. 2** for **HCS** for **HB 1186**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the Conference Committee Report on **SCS** for **HCS** for **HB 1010** and requests further conference on **SCS** for **HCS** for **HB 1010** and that the House conferees be instructed to adopt the following corrective language in lieu of Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for House Committee Substitute for House Bill No. 1010:

"For funding to local health departments and licensed hospitals to provide pregnancy testing and follow-up services

"From General Revenue \$664,000

"For funding to local health departments and licensed hospitals to provide alternative to abortion services for pregnant women

"From General Revenue \$900,000." and

Further that the House conferees be otherwise bound to the current proposed conference committee substitute; and

Further that the conferees be authorized to exceed the differences for the above purpose and for no other purpose.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SS** for **SCS** for **HB 974**: Representatives Crump, Gaw, Clayton, Gross, Whiteside.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate grant the House further conference on **SCS** for **HCS** for **HB 1010**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator Quick assumed the Chair.

HOUSE BILLS ON THIRD READING

HB 773, with **SCA 1**, introduced by Representatives Backer and Edwards-Pavia, entitled:

An Act to repeal section 302.304, RSMo 1994, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Caskey.

SCA 1 was taken up.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 773, Page 1, Section 302.304, Line 1, by inserting immediately before said line the following:

"32.055. [The director of revenue may, at his discretion, sell lists of motor vehicle registrations to any organization organized under an act of the Congress of the United States at a price of not less than seven dollars and fifty cents per one thousand names.] **1. Notwithstanding the provisions of chapter 610, RSMo, no officer, employee or contractor of the department of revenue shall knowingly disclose or otherwise make available any personal information about an individual contained in the department's motor vehicle or driver's license records, except as provided in this section.**

2. As used in this section, the term "personal information" shall include the individual's photograph, name, address, telephone number, facsimile number, social security number, driver identification number, any medical or disability information and any physical attributes. It shall not include information on driving violations, driving status and accidents. As used in this section, the term "driver's license" shall include temporary licenses and personal identification cards issued by the department of revenue.

3. Personal information may only be disclosed under this section for the following purposes:

(1) For official use by any federal, state or local government agency, including courts and law enforcement agencies, or by a private or quasi-governmental agency in carrying out its duties on behalf of a government agency;

(2) For use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers and removal of nonowner records from the original owner records of motor vehicle manufacturers;

(3) For use in research activities, as long as personal information is not disclosed in connection with individual names;

(4) For use by established media entities, including newspapers having at least a weekly circulation and by television stations and radio stations licensed by the federal communications commission, as long as no disclosures of such personal information are made by such media entities;

(5) For use by insurers, insurance support organizations, self-insured entities or their licensed agents in

connection with claims investigation, antifraud, rating or underwriting activities;

(6) For use by towing and motor vehicle storage companies in providing notice to owners or lienholders of towed or impounded motor vehicles;

(7) For use by a licensed private investigative agency or a licensed attorney with respect to the enforcement of court judgments or orders;

(8) For use by any person who has obtained the express written consent of the individual to whom the information pertains within the past five years;

(9) For use by an employer or its agent or insurer to obtain and verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986, as amended; or

(10) For any other use specifically authorized under state or federal law if such use is related to motor vehicle operation or public safety.

4. Any individual may review his or her own records upon request and payment of a fee set as required under section 610.026, RSMo.

5. No authorized recipient may redisclose the personal information obtained under this section except within the same agency or entity for the purposes authorized.

6. Every request for information made under subdivisions (2) through (10) of subsection 3 of this section shall be made in writing and maintained by the department of revenue for a three-year period. Every person making a request under subdivisions (2) through (10) of subsection 3 shall provide proof of his or her identity to the department of revenue.

7. No person shall make a false representation to obtain any personal information under this section.

8. (1) Any person violating the provisions of this section shall be guilty of a class A misdemeanor and shall not be given any further access to information under this section.

(2) Any person violating subsection 6 of this section who has previously been convicted of the same violation shall be guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 1** is out of order in that it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Bentley moved that the above amendment be adopted.

President Pro Tem Mathewson resumed the Chair.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Howard, Mueller, Russell and Schneider.

SA 1 was adopted by the following vote:

Yeas--Senators

Bentley	Clay	Ehlmann	Flotron
Goode	Graves	House	Kenney
Klarich	McKenna	Melton	Mueller
Rohrbach	Russell	Sims	Singleton
Treppler	Westfall--18		

Nays--Senators

Caskey	Curls	DePasco	Howard
Kinder	Lybyer	Mathewson	Maxwell
Moseley	Schneider	Scott	Staples
Wiggins--13			

Absent--Senators

Banks	Johnson	Quick--3
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Absent with leave--Senators--None

Senator Clay offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 773, Page 3, Section 302.304, Line 80, by inserting after said line the following:

"Section 1. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person who is a county, state or federal parole officer or who is a federal pretrial officer based on a specific request for such information from any person. Any person who is a county, state or federal parole officer or who is a federal pretrial officer may notify the department of such status and the department shall protect the confidentiality of the records on such a person as required by this section. This section shall not prohibit the department from releasing information on a motor registration list pursuant to section 32.005 RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed on a standing division vote.

At the request of Senator Caskey, **HB 773**, as amended, was placed on the Informal Calendar.

HS for **HB 832**, introduced by Representative Montgomery, entitled:

An Act to repeal section 313.835, RSMo 1994, relating to certain veterans' cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator DePasco.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Bill No. 832, Page 2, Section 1, Line 10, by adding the following:

"Any ballot measure, concerning Riverboat Gambling, approved by the voters, whether by initiative petition or referendum, shall be submitted to the same voters for approval if amended or repealed at any time by the General Assembly following initial voter approval of the state-wide ballot measure. No statute so amended or repealed by the General Assembly shall take effect until the voters have by affirmative vote approved the amendments made by the General Assembly.".

Senator Ehlmann moved that the above amendment be adopted.

Senator McKenna raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope of the bill.

Senator Wiggins resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Howard resumed the Chair.

SA 1 was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators House, Russell, Sims and Schneider.

SA 1 was adopted by the following vote:

Yeas--Senators

Caskey	Ehlmann	Flotron	Graves
House	Kenney	Kinder	Klarich
Mathewson	Melton	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Treppler	Westfall--18		

Nays--Senators

Clay	Curls	DePasco	Goode
Howard	Johnson	Lybyer	Maxwell
McKenna	Moseley	Schneider	Staples
Wiggins--13			

Absent--Senators

Banks	Bentley	Scott--3
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Absent with leave--Senators--None

Senator Lybyer offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Bill No. 832, Page 1, Section 313.835, Line 6, by striking the words "relating to excursion gambling boat operations".

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

On motion of Senator DePasco, **HS** for **HB 832**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	House	Howard	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Treppler	Westfall--28

Nays--Senators

Johnson	Schneider	Scott	Staples
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Wiggins--5

Absent--Senator Goode--1

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

At the request of Senator Moseley, **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**, was placed on the Informal Calendar.

HB 1101, with **SCS**, introduced by Representative Franklin, entitled:

An Act to repeal sections 306.031, 306.060, 306.122, 306.126, 306.142, 306.147, 306.550, and 306.903, RSMo Supp. 1995, relating to watercraft, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up by Senator McKenna.

SCS for **HB 1101**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1101

An Act to repeal sections 306.031, 306.060, 306.122, 306.125, 306.126, 306.142, 306.147, 306.221, 306.550, and 306.903, RSMo Supp. 1995, relating to watercraft, and to enact in lieu thereof ten new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna moved that **SCS for HB 1101** be adopted.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 1101, Page 4, Section 306.126, Line 14, by striking the word "the" from the end of said line; and further amend line 15, by striking all of said line; and further amend line 16, by striking "lakes of this state" and inserting in lieu thereof the following: **"any lake of this state with at least one thousand miles of shoreline"**.

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 1101, Page 1, Section A, Line 5, by inserting immediately after said line, the following:

"306.016. 1. By January 1, 1995, the owner of any vessel documented by the United States Coast Guard on August 28, 1994, and the new owner of any vessel purchased after August 28, 1994, who upon the sale or transfer of the vessel desires to document the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a certification fee of seven dollars and fifty cents, an initial registration fee in an amount equal to the amount required for a certificate of number under section 306.030 and all applicable state and local or in lieu watercraft taxes as provided by law in effect on the date the vessel was documented or submit proof that all applicable registration fees have been paid to the department of revenue and all applicable taxes or in lieu watercraft taxes have been paid in this or another state. Such application shall include the county in which such vessel will be normally maintained by the new owner. A certificate of registration and a set of registration decals in a form the director shall prescribe shall be issued for a documented vessel. A Missouri resident shall make application for a vessel certificate of registration within thirty days of acquiring or bringing the vessel into this state. A nonresident shall make application for a vessel certificate of registration within sixty days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of sixty consecutive days. A delinquency penalty fee of ten dollars shall be imposed for each thirty days of delinquency, not to exceed a total of thirty dollars. If the director of revenue learns that any person has failed to make application for a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided in this section, the director shall cancel the registration of all vessels and outboard motors registered in the name of the person, either as sole owner or a coowner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges, and payments which the person should have paid in connection with the vessel certificate of registration.

[2. A boat or vessel documented by the United States Coast Guard or other agency of the federal government and operated on the waters of this state shall not be liable for the payment of any state or local sales or use tax on the

purchase, but shall be liable for the payment of an in lieu watercraft tax, which is hereby imposed. The in lieu watercraft tax shall be collected by the director of revenue and deposited in the state treasury to the credit of general revenue and shall be appropriated for use by the Missouri state water patrol. Watercraft dealers in this state shall report to the director of revenue on forms furnished by the director the sale of each watercraft sold to a resident of this state. If the watercraft is registered and licensed pursuant to the provisions of this chapter and all applicable sales taxes have been paid, the director shall not collect the in lieu tax imposed by this subsection. If the watercraft is registered with the United States Coast Guard or other agency of the federal government and not under the provisions of this chapter the director shall bill the purchaser of the watercraft for the in lieu tax imposed by this subsection. Any person who fails to pay the in lieu tax due under this section, within thirty days after receipt of the bill from the director of revenue, shall be liable to the same penalties imposed by law for failure to pay sales and use taxes due the state. The in lieu tax shall be determined as follows:

PURCHASE PRICE OF

WATERCRAFT	TAX DUE
\$50,000 or less	\$ 650.00
\$50,001 to \$100,000	1,250.00
\$100,001 to \$150,000	1,850.00
\$150,001 to \$200,000	2,450.00
\$200,001 and above	3,050.00]

[3.] 2. The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a certificate of number under section 306.030. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.

[4.] 3. The department of revenue may issue a temporary vessel certificate of registration authorizing the operation of a vessel to be documented by the United States Coast Guard for not more than sixty days. The temporary registration shall be made available by the department of revenue and may be purchased from the department of revenue or from a dealer upon proof of purchase of a vessel. The department shall make temporary certificates of registration available to registered dealers in this state in sets of ten. The fee for the temporary certificates of registration shall be five dollars each. No dealer shall charge more than five dollars for each temporary certificate of registration issued. The temporary registration shall be valid for a period of sixty days from the date of issuance by the department of revenue to the purchaser of the vessel or from the date of sale of the vessel by a dealer from which the purchaser obtains a certificate of registration. The temporary certificate of registration shall be issued on a form prescribed by the department of revenue and issued only for the purchaser's use in the operation of the vessel purchased to enable the purchaser to legally operate the vessel while a certificate of registration is being obtained, and shall be displayed on no other vessel. Temporary certificates of registration issued under this section shall not be transferable or renewable and shall not be valid upon issuance of a proper certificate of registration. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make and the manufacturer's identification number of the vessel on the temporary registration when issued to the purchaser. The dealer shall complete the information on the temporary registration in full. Every dealer that issues a temporary certificate of registration shall keep, for inspection by authorized officers, a correct record of each temporary certificate of registration issued by the dealer by recording the registration number, purchaser's name and address, year, make and manufacturer's identification number of the vessel on which the temporary certificate of registration is to be used and the date of issuance.

[5.] 4. Upon the sale or transfer of any vessel documented by the United States Coast Guard for which a certificate of registration has been issued, the registration shall be terminated. If the new owner elects to have the vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of

registration, proof of release from the documentation provided by the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions of this chapter.

[6.] **5.** The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation.

306.017. There is hereby created within the state treasury the "Water Safety Fund". For fiscal year 1998, and each subsequent fiscal year for a period of nine years, five hundred thousand dollars shall be transferred from the general revenue fund to the water safety fund. Subject to appropriation, moneys in the water safety fund shall be used only for the purposes of water safety programs of the state water patrol. Any funds appropriated pursuant to this section shall be in addition to any amounts appropriated for the operation of the state water patrol for fiscal year 1998 and any subsequent fiscal year and shall not supplant other state funds appropriated for such purposes."; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion failed on a standing division vote.

At the request of Senator McKenna, **HB 1101**, with **SCS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HS for **HCS** for **HBs 1199, 1357** and **1393**--Judiciary.

HS for **HCS** for **HB 1172**--Corrections and General Laws.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 940 entitled:

"AN ACT"

To authorize the governor of the state of Missouri to convey certain land of the department of mental health in the city of St. Louis.

On May 7, 1996, I approved said Senate Bill No. 940.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 874 entitled:

"AN ACT"

To repeal section 320.094, RSMo Supp. 1995, relating to the Missouri fire education trust fund, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 874.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 850 entitled:

"AN ACT"

To repeal section 544.155, RSMo 1994, relating to peace officer arrest powers, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 850.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 846 entitled:

"AN ACT"

To repeal section 620.455, RSMo 1994, relating to the tourism commission, and enacting in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 846.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 837 entitled:

"AN ACT"

To repeal sections 2.080 and 2.091, RSMo 1994, relating to journals of the senate and the house of representatives, and to enact in lieu thereof two new sections relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 837.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 830 entitled:

"AN ACT"

To repeal section 195.291, RSMo 1994, relating to prior and persistent drug offenders, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

On May 7, 1996, I approved said Senate Bill No. 830.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 826 entitled:

"AN ACT"

To repeal section 319.200, as enacted by senate committee substitute for house committee substitute for house bills nos. 1434 and 1490 of the second regular session of the eighty-sixth general assembly and signed by the governor on July 9, 1992, and section 319.200, as enacted by senate substitute for house substitute for house bill no. 1574 of the second regular session of the eighty-sixth general assembly and signed by the governor on July 6, 1992, as both sections appear in RSMo 1994, relating to seismic construction and renovation ordinances, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 826.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 811 entitled:

"AN ACT"

To repeal section 80.110, RSMo 1994, relating to the adoption of ordinances in villages, and to enact one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 811.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 766 entitled:

"AN ACT"

To repeal section 267.122, RSMo Supp. 1995, relating to animal health laboratory fees, and enacting one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 766.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 758 entitled:

"AN ACT"

To repeal section 700.455, RSMo 1994, relating to manufactured homes, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Committee Substitute for Senate Bill No. 758.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 721 entitled:

"AN ACT"

To repeal section 217.364, RSMo 1994, relating to an offenders treatment program, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 721.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 702 entitled:

"AN ACT"

To repeal sections 21.530, 21.535 and 21.537, RSMo 1994, relating to the joint committee on capital improvements oversight, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

On May 7, 1996, I approved said Senate Bill No. 702.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 694 entitled:

"AN ACT"

To repeal section 172.350, RSMo 1994, relating to police officers of the state university, and to enact in lieu thereof two new sections relating to the same subject.

On May 7, 1996, I approved said Senate Committee Substitute for Senate Bill No. 694.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 693 entitled:

"AN ACT"

To repeal section 58.095, RSMo 1994, relating to county coroners, and to enact one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 693.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 665 entitled:

"AN ACT"

To repeal section 249.763, RSMo 1994, relating to sewer districts and to enact in lieu thereof two new sections relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 665.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 662 entitled:

"AN ACT"

To repeal section 260.831, RSMo 1994, relating to removing the sunset date on landfill fees for economic development in certain counties only, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Committee Substitute for Senate Bill No. 662.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 630 entitled:

"AN ACT"

To repeal sections 386.330 and 392.220, RSMo 1994, and section 386.250, RSMo Supp. 1995, relating to the regulation of certain telecommunication services provided by telephone cooperatives, and to enact in lieu thereof three new sections relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 630.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 605 entitled:

"AN ACT"

To repeal section 177.086, RSMo 1994, relating to bidding for school construction, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 605.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 532 entitled:

"AN ACT"

To repeal sections 190.327 and 190.329, RSMo Supp. 1995, relating to emergency services, and to enact in lieu thereof two new sections relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 532.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 530 entitled:

"AN ACT"

To repeal section 190.145, RSMo 1994, relating to ambulance operators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

On May 7, 1996, I approved said Senate Bill No. 530.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 7, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 501 entitled:

"AN ACT"

To repeal section 105.955, RSMo 1994, relating to the Missouri ethics commission, and to enact in lieu thereof one new section relating to the same subject.

On May 7, 1996, I approved said Senate Bill No. 501.

Respectfully submitted,

MEL CARNAHAN

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, the Physician of the Day, Dr. Jan Onik, D.O., and his son, Thomas, Louisiana.

Senator Treppler introduced to the Senate, Karen Villa and eighty-one students from St. Margaret Mary Alacoque School, St. Louis; and Beth Dudenhoeffer, Erick Martin, Lauren Vogler and Adam Chierek were made honorary pages.

Senator Kenney introduced to the Senate, members of the Parliament of Georgia, Mr. Pasta Chekurishvili, Mr. Givi Gigineishvili, Mr. Rostom Dolidze and Mr. Lasha Mindeli; and Ms. Marina Vanyan and Mr. Elia Evstifeev, Baltimore, Maryland.

Senator Graves introduced to the Senate, Pam May, Ann Peterson, and thirty-five fifth and sixth grade students from Grundy Elementary School, Humphreys.

Senator Mueller introduced to the Senate, Amber Myers, Jefferson City; and Amber was made an honorary page.

Senator Moseley introduced to the Senate, Wendy Noren, and her son, Brennan Noren Rose, Columbia; and Brennan was made an honorary page.

Senator Westfall introduced to the Senate, Cynthia Speckman, and her daughter, Kessaya, and Jessica Thomas, Mt. Vernon; Carrie Lee and Angela Goble, Monett; and Tomoyo Nakamura, Japan; and Kessaya, Jessica and Tomoyo were made honorary pages.

Senator Mueller introduced to the Senate, DeAnn Dotson, and her children, Scott and Sarah, Debby Heapes, and her daughter, Melissa, and Andrew and Ellen Thomas, Overland Park, Kansas; and Scott, Sarah, Andrew, Ellen and Melissa were made honorary pages.

Senator Mueller introduced to the Senate, thirty-five fourth grade students from Community School, St. Louis.

Senator Graves introduced to the Senate, Nancy Herring and twenty-three fourth grade students from Norborne Elementary School, Norborne.

Senator Rohrbach introduced to the Senate, Denise Rehagen and eighth grade students from Eugene.

Senator Johnson introduced to the Senate, one hundred and four fourth grade students from Line Creek Elementary School, Kansas City; and Brent Castagno, Clifton Phillips, Michael Graves, Kaelon Counce, Jennifer Hendrick and Scott David were made honorary pages.

Senator Kinder introduced to the Senate, Charles and Lisa Huey, and their children, Clayton, Trae and Burt; and Mary Murphy and Becky Stull, Cape Girardeau.

Senator Johnson introduced to the Senate, Jan Marriott, Debra Cook, Hope Stagner, Karen Thurnau, Linda Poppa and Linda Curran, St. Joseph.

Senator Treppler introduced to the Senate, Kurt Wityel, Celeste McBride and Anita Yeckel, St. Louis County.

Senator Rohrbach introduced to the Senate, his daughter, Eva, California.

Senator Westfall introduced to the Senate, Faye Peters, Halfway.

Senator Quick introduced to the Senate, Cynthia Roseler, Beverly Corum and Girl Scout Troop 1677, Clay County.

Senator Moseley introduced to the Senate, his parents, Bonnard and Rusty; his wife, Carol; his daughter-in-law,

Charlotte Brumfield and his granddaughter, Caroline Brumfield, Columbia; and Caroline was made an honorary page.

Senator Wiggins introduced to the Senate, Jeff and Amy Simon, and their sons, Patrick and Joseph, Kansas City; and Patrick and Joseph were made honorary pages.

Senator Maxwell introduced to the Senate, fourth grade students from Clarence Elementary School, Clarence.

On behalf of Senator Wiggins, the President introduced to the Senate, Lorraine Simon, Kirkwood.

Senator Graves introduced to the Senate, former Senator Hardin Cox, Rock Port.

On motion of Senator Banks, the Senate adjourned under the Rules.

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-NINTH DAY--WEDNESDAY, MAY 8, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, Richard Cecil wrote, "To love to preach is one thing--to love those to whom we preach quite another." Lord, help us to love those for whom we serve, to minister to those in need, to protect those who are weak and to lift up those who are fallen. Grant us mercy, compassion and understanding as we seek to serve instead of being served. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mueller offered Senate Resolution No. 1379, regarding Mary Holekamp, which was adopted.

Senator Staples offered Senate Resolution No. 1380, regarding the Fiftieth Anniversary of the Norman L. Rigdon VFW Post No. 5896, Farmington, which was adopted.

Senator Staples offered Senate Resolution No. 1381, regarding the Ninetieth Birthday of Marie Jones, Eminence, which was adopted.

Senator Singleton moved that **SR 1326** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **SR 1326** was adopted.

REFERRALS

President Pro Tem Mathewson referred **HCR 13** to the Committee on Rules, Joint Rules and Resolutions.

HOUSE BILLS ON SECOND READING

HB 1019--Appropriations.

HOUSE BILLS ON THIRD READING

HCS for **HB 1146**, entitled:

An Act to repeal sections 36.030, 36.031, 36.040, 36.050, 36.100, 36.110, 36.120, 36.140, 36.170, 36.180, 36.190, 36.210, 36.240, 36.250, 36.260, 36.280, 36.300, 36.320, 36.330, 36.360, 36.390 and 36.510, RSMo 1994, and section 36.020, RSMo Supp. 1995, relating to the state personnel law, and to enact in lieu thereof twenty-three new sections relating to the same subject.

Was taken up by Senator Goode.

Senator Lybyer requested unanimous consent of the Senate for the Committee on Appropriations to meet while the Senate is in session, which request was granted.

Senator Ehlmann offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 1146, Page 23, Section 36.510, Line 26, by inserting immediately after said line, the following:

"Section 1. 1. Notwithstanding any law, executive order or rule to the contrary, neither the state nor any of its political subdivisions or agents shall use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group of persons in the state's system of public employment, public education or public contracting unless the state or any of its political subdivisions or agents has proven by clear and convincing evidence that specific, pervasive and systematic discrimination has occurred in the past and will continue to occur in the future. In the event that specific, pervasive and systematic discrimination has occurred in the past and will continue to occur in the future, the state or any of its political subdivisions or agents may attempt to reduce said discrimination by designing and implementing a narrowly tailored remedial action that furthers a compelling government interest. The narrowly tailored remedial action shall clearly identify and articulate the specific, pervasive and systematic discrimination that has occurred in the past and will continue to occur in the future, the compelling government interest involved, and the need and basis for either discriminating against, or granting preferential treatment to, any individual or group of persons. All narrowly tailored remedial actions shall automatically become null and void after a necessary or interested party has proven by clear and convincing evidence that the specific, pervasive and

systematic discrimination has been significantly reduced, or two years after implementation, whichever is sooner.

2. Nothing in this section shall be interpreted as prohibiting state action that is necessary to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Curls raised the point of order that **SA 1** is out of order in that the amendment goes beyond the scope and purpose of the bill.

President Pro Tem Mathewson ruled the point of order not well taken.

SA 1 was again taken up.

Senator Ehlmann moved that the above amendment be adopted.

Senator Quick assumed the Chair.

At the request of Senator Ehlmann, **SA 1** was withdrawn.

On motion of Senator Goode, **HCS** for **HB 1146** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Bentley	Schneider--2
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Moseley moved that **SB 609** be taken up for perfection, which motion prevailed.

Senator Wiggins assumed the Chair.

At the request of Senator Moseley, **SB 609** was placed on the Informal Calendar.

Senator Kinder moved that **SB 895** be taken up for perfection, which motion prevailed.

Senator Kinder offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 895, Page 1, Section 451.020, Line 1, by inserting immediately after "451.020." the following: "1."; and further on line 15, by inserting immediately after said line, the following:

"2. The state of Missouri is committed to fostering the institution of marriage between a man and a woman. To this end, the state of Missouri shall not recognize any marriage other than between a man and a woman."

Senator Kinder moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 895**, with **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1010**: Representatives Lumpe, Lakin, Carter, Donovan, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS** for **SB 657** and has taken up and passed **CCS** for **HCS** for **SCS** for **SB 657**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, and **Part 1** of **HA 2**, as amended, to **SB 858** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HA 2** to **SB 578** and has taken up and passed **SB 578**, as amended.

Bill ordered enrolled.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**: Senators Lybyer, Wiggins, Goode, Russell and Melton.

REPORTS OF STANDING COMMITTEES

Senator Lybyer, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1020**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1013**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HB 1019**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 914**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 914

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 914; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 914;
2. That the attached Conference Committee Amendment No. 1, be adopted;
3. That House Committee Substitute for Senate Bill No. 914, as amended by Conference Committee Amendment No. 1, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Bill Skaggs

/s/ Ronnie DePasco /s/ Tom Hoppe

/s/ William Clay /s/ Greg Canuteson

/s/ Irene Treppler /s/ Bonnie Sue Cooper

/s/ David Klarich /s/ Beth Long

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate bill No. 914, Page 2, Section 110.140, Line 4, by striking "[two]" and inserting in lieu thereof the following: "two **or**"; and further amend line 5, by striking "[two]" and inserting in lieu thereof the following: "two **or**"; and

Further amend said bill, page 2, section 110.150, line 2, by inserting immediately after the word "every" the following: "**second or**".

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Graves
House	Howard	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--27	

Nays--Senator Johnson--1

Absent--Senators

Curls	Goode	Kenney	Moseley
Schneider	Staples--6		

Absent with leave--Senators--None

On motion of Senator Quick, **HCS** for **SB 914**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Graves	House
Howard	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Curls	Flotron	Goode	Kenney
Moseley	Schneider--6		

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HBs 800, 812, 817 and 821**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** was again taken up.

At the request of Senator Caskey, **SS** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** was withdrawn.

Senator Caskey offered **SS No. 2** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 800, 812, 817 AND 821

An Act to repeal sections 195.017, 217.730, 317.001, 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, 367.050, 542.276, 544.170, 546.680, 556.037, 562.021, 562.026, 569.170, 574.085, 575.010, 575.020, 575.030, 575.090, 595.025 and 595.045, RSMo 1994, sections 211.321, 549.525, 565.084 and 600.042, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof fifty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS No. 2** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** be adopted.

At the request of Senator Caskey, **HCS** for **HBs 800, 812, 817 and 821**, with **SCS** and **SS No. 2** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Banks, the Senate recessed until 2:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SB 858**, as amended: Senators Banks, Wiggins, Singleton, Moseley and Sims.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 895**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Moseley offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Bill No. 895, Page 1, Section 451.020, Line 1, by inserting immediately after "451.020." the following: "**1.**"; and further on line 15, by inserting immediately after said line, the following:

"2. The state of Missouri shall not recognize any marriage other than between a man and a woman."

Senator Moseley moved that the above substitute amendment be adopted, which motion failed.

SA 1 was again taken up.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Kinder moved that **SB 895**, as amended, be declared perfected and ordered printed, and requested a roll call vote be taken. He was joined in his request by Senators House, Mueller, Russell and Westfall.

SB 895, as amended, was declared perfected and ordered printed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Banks	Goode	Moseley--3
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Absent--Senators

Clay	Curls--2
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Absent with leave--Senators--None

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 677**; **HCS** for **SCS No. 2** for **SB 860**; and **HCS** for **SS** for **SCS** for **SB 494**, begs leave to report that it has examined the same and finds that the bills have been duly enrolled and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1301** and **1298**, with **SCS**, introduced by Representative McLuckie, entitled:

An Act to repeal sections 162.680 and 195.214, RSMo 1994, and sections 160.261, 167.161, and 167.171, RSMo Supp. 1995, and to enact in lieu thereof thirteen new sections for the purpose of providing safer schools, with penalty provisions.

Was called from the Informal Calendar and taken up by Senator Moseley.

SCS for **HS** for **HCS** for **HBs 1301** and **1298**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1301 and 1298

An Act to repeal sections 162.680, 195.214, 574.085, 575.090, 575.093, 575.096, RSMo 1994, and sections 160.261, 167.161, and 167.171, RSMo Supp. 1995, and to enact in lieu thereof nineteen new sections for the purpose of providing safer schools, with penalty provisions.

Was taken up.

Senator Moseley moved that **SCS** for **HS** for **HCS** for **HBs 1301** and **1298** be adopted.

Senator Moseley offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 14, Section 574.085, Lines 15-16, by striking the following: "or operated by a school district or a private school or under lease or" and inserting in lieu thereof the following: ", **operated, leased or under**".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Moseley offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 10, Section 167.020, Line 75, by inserting immediately after the word "district" the following:

"or juvenile or family court".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 15, Section 1, Lines 4-5, by striking the following: "an indictment or information is filed or"; and

Further amend said section, page 16, line 30, by striking "prior to the return of the pupil to school" and inserting in lieu thereof the following: **"no later than five days following the filing of the petition"**; and further amend lines 31-32 by striking ", prior to the return of the pupil to school" from said lines.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 21, Section 7, Line 6, by inserting immediately after the word "act" the following: **"unless the petition regarding the act was dismissed or the pupil has been acquitted or adjudicated not to have committed the act"**.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting immediately after said line the following:

"Section 10. Each school board in the state, if the school district does not presently have a program as described below, shall vote every two years whether to develop and implement a program to train the students of the district in the administration of cardiopulmonary resuscitation and other lifesaving methods. The board may develop and implement the program as they determine best, and may consult the department of public safety, the state fire marshall's office, the local fire protection authorities, and others as the board sees fit. The board may make completion of the program a requirement for graduation."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Lines 78-81, by deleting all of said lines and inserting in lieu thereof the following:

"4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion from another district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll."

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 9, Section 167.020, Line 70, by inserting immediately after "RSMo," the following: **"and except as required for compliance with federal regulation or statute,"**; and

Further amend said bill and section, page 10, line 78, by striking the following: "Any person found to have knowingly"; and further amend lines 79-81, by striking all of said lines; and further amend line 82, by striking "costs and damages." from said line.

Senator House moved that the above amendment be adopted.

Senator Melton offered **SSA 1** for **SA 7**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 10, Section 167.020, Lines 81 and 82, by deleting the following: "attorney fees, litigation costs and".

Senator Melton moved that the above substitute amendment be adopted.

Senator House raised the point of order that **SSA 1** for **SA 7** is out of order in that the amendment is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 7** was again taken up.

Senator Melton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos.

1301 and 1298, Page 13, Section 167.171, Lines 82-89, by striking all of said lines.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 8** was withdrawn.

Senator Ehlmann offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Lines 82-89, by deleting said lines; and

Further amend said bill, page 19, Section 6, lines 1 through 49 by striking all of said lines and inserting in lieu thereof the following:

"Section 6. School districts may pursue regional approaches to alternative education where warranted."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1301 and 1298, Page 21, Section 6, Line 49, by inserting immediately after said line, the following:

"3. Pursuant to the same processes, criteria and preferences established under subsection 1 of this section, the department shall establish a program to award grants to school districts that apply for assistance in providing alternatives to alternative educational opportunities for students whose demonstrated disruptive behavior indicates that they cannot be adequately served in an alternative educational setting."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 10** was withdrawn.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Ehlmann moved that the vote by which **SA 9** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls Scott Staples--3

Absent with leave--Senators--None

SA 9 was again taken up.

At the request of Senator Ehlmann, **SA 9** was withdrawn.

Senator Caskey offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Lines 82-89, by striking all of said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Westfall offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 20, Section 6, Line 29, by striking the semicolon ";" on said line and inserting in lieu thereof a period "."; and

Further amend said section, lines 30-37, by striking all of said lines.

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Moseley, **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred corrected **SS** for **SCS** for **SB 507**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

Senator Moseley moved that **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Moseley offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Line 63, by striking all of said line immediately after "(c)"; and

Further amend said section, line 64, by striking the "(d)" and relettering accordingly; and

Further amend said section, line 68, by striking all of said line and relettering accordingly; and

Further amend said section, line 70, by striking "; or" and inserting in lieu thereof a period "."; and

Further amend said section, line 71, by striking all of said line.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 7, Section 162.680, Line 16, by inserting immediately after said line the following:

"Section 1. 1. Any board of education of any school district may permit the self-administration of medication administered by way of a metered-dose inhaler by a pupil for asthma or other potentially life-threatening respiratory illnesses provided that:

(1) The parents or guardians of the pupil provide to the board of education written authorization for the self-administration of medication and a written medical history of the pupil's experience with the potentially life-threatening respiratory illness and a plan of action for addressing any emergency situations that could reasonably be anticipated as a consequence of administering the medication and having the potentially life-threatening respiratory illness;

(2) The parents or guardians of the pupil provide to the board of education written certification from the physician of the pupil that the pupil has asthma or another potentially life-threatening respiratory illness and is capable of, and has been instructed in, the proper method of self-administration of medication and informed of the dangers of permitting other persons to use medicine prescribed for the pupil;

(3) The board informs the parents or guardians of the pupil in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil or as a result of providing all relevant information provided pursuant to subdivisions (1) and (2) of this subsection with the school nurse, or in the absence of such nurse, to the school administrator;

(4) The parents or guardians of the pupil sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents or guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the pupil; and

(5) The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements of subdivisions (1) through (4) of this subsection.

2. No school district shall be civilly or criminally liable as a result of actions taken pursuant to this section.

3. Nothing in this section shall be construed to prevent a school district from requiring pupils to maintain current duplicate prescription medications with the school nurse or in the absence of such nurse, the school administrator.

4. The state board of education shall promulgate such rules and regulations as it deems necessary to effectuate

the purposes of this section.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Howard resumed the Chair.

Senator Klarich offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House - Bills Nos. 1301 and 1298, Page 10, Section 167.020, Line 78, by inserting immediately after the word "older" the following: "**and no personally identifiable student records shall be made available until after the parent, guardian or the student, if eighteen years of age or older, has been notified and provided a period of least three working days within which to view the records to be made available**".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Line 89 of said page, by inserting immediately after said line the following:

"195.017. 1. The department of health shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and

(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

(f) Alphamethadol;

(g) Alpha-methylfentanyl;

- (h) Alpha-methylthiofentanyl;
- (i) Benzethidine;
- (j) Betacetylmethadol;
- (k) Beta-hydroxyfentanyl;
- (l) Beta-hydroxy-3-methylfentanyl;
- (m) Betameprodine;
- (n) Betamethadol;
- (o) Betaprodine;
- (p) Clonitazene;
- (q) Dextromoramide;
- (r) Diampromide;
- (s) Diethylthiambutene;
- (t) Difenoxin;
- (u) Dimenoxadol;
- (v) Dimepheptanol;
- (w) Dimethylthiambutene;
- (x) Dioxaphetyl butyrate;
- (y) Dipipanone;
- (z) Ethylmethylthiambutene;
- (aa) Etonitazene;
- (bb) Etoxeridine;
- (cc) Furethidine;
- (dd) Hydroxypethidine;
- (ee) Ketobemidone;
- (ff) Levomoramide;
- (gg) Levophenacymorphan;
- (hh) 3-Methylfentanyl;
- (ii) 3-Methylthiofentanyl;

(jj) Morpheridine;
(kk) MPPP;
(ll) Noracymethadol;
(mm) Norlevorphanol;
(nn) Normethadone;
(oo) Norpipanone;
(pp) Para-fluorofentanyl;
(qq) PEPAP;
(rr) Phenadoxone;
(ss) Phenampromide;
(tt) Phenomorphan;
(uu) Phenoperidine;
(vv) Piritramide;
(ww) Proheptazine;
(xx) Properidine;
(yy) Propiram;
(zz) Racemoramide;
(aaa) Thiofentanyl;
(bbb) Tilidine;
(ccc) Trimeperidine;

(3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Acetorphine;
(b) Acetyldihydrocodeine;
(c) Benzylmorphine;
(d) Codeine methylbromide;
(e) Codeine-N-Oxide;
(f) Cyprenorphine;
(g) Desomorphine;

- (h) Dihydromorphine;
- (i) Drotebanol;
- (j) Etorphine; (except Hydrochloride Salt);
- (k) Heroin;
- (l) Hydromorphenol;
- (m) Methyldesorphine;
- (n) Methyldihydromorphine;
- (o) Morphine methylbromide;
- (p) Morphine methylsulfonate;
- (q) Morphine-N-Oxide;
- (r) Myrophine;
- (s) Nicocodeine;
- (t) Nicomorphine;
- (u) Normorphine;
- (v) Pholcodine;
- (w) Thebacon;

(4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) 4-bromo-2,5-dimethoxyamphetamine;
- (b) 2,5-dimethoxyamphetamine;
- (c) 2,5-dimethoxy-4-ethylamphetamine;
- (d) 4-methoxyamphetamine;
- (e) 5-methoxy-3,4-methylenedioxyampheta-mine;
- (f) 4-methyl-2,5-dimethoxy amphetamine;
- (g) 3,4-methylenedioxyamphetamine;
- (h) 3,4-methylenedioxymethamphetamine;
- (i) 3,4-methylenedioxy-N-ethylamphetamine;
- (j) N-nydroxy-3, 4-methylenedioxyampheta-mine;
- (k) 3,4,5-trimethoxyamphetamine;

- (l) Bufotenine;
- (m) Diethyltryptamine;
- (n) Dimethyltryptamine;
- (o) Ibogaine;
- (p) Lysergic acid diethylamide;
- (q) Marijuana; (Marihuana;)
- (r) Mescaline;
- (s) Parahexyl;

(t) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

- (u) N-ethyl-3-piperidyl benzilate;
- (v) N-methyl-3-piperidyl benzilate;
- (w) Psilocybin;
- (x) Psilocyn;
- (y) Tetrahydrocannabinols;
- (z) Ethylamine analog of phencyclidine;
- (aa) Pyrrolidine analog of phencyclidine;
- (bb) Thiophene analog of phencyclidine;
- (cc) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Mecloqualone;
- (b) Methaqualone;

(6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathinone;
- (b) Fenethylamine;
- (c) (+)cis-4-methylaminorex ((+)-cis-4,5--dihydro-4-methyl-5-phenyl-2-oxazoline);
- (d) N-ethylamphetamine;

(e) N,N-dimethylamphetamine;

(7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

(a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers;

(c) Methcathinone, which may also be known as: 2-methylamino-1-phenylpropan 1-one; ephedrone; monomethylpropion UR 1431, its salts, optical isomers and salts of optical isomers;

(d) Aminorex, which may also be known as: aminoxaphen, 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazamine, its salts, optical isomers and salts of optical isomers;

(e) Alphaethyltryptamine, its optical isomers, salts and salts of isomers, which may also be known as: etryptamine; Alphaethyl-1 H-indole-3-ethanamine; 3-(2-aminobutyl) indole.

3. The department of health shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

- j. Hydrocodone;
- k. Hydromorphone;
- l. Metopon;
- m. Morphine;
- n. Oxycodone;
- o. Oxymorphone;
- p. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk Dextropropoxyphene;
- (f) Carfentanil;
- (g) Butyl nitrite;
- (h) Dihydrocodeine;
- (i) Diphenoxylate;
- (j) Fentanyl;
- (k) Isomethadone;
- (l) Levo-alphacetylmethadol;
- (m) Levomethorphan;

- (n) Levorphanol;
- (o) Metazocine;
- (p) Methadone;
- (q) Meperidine;
- (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (t) Pethidine;
- (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (x) Phenazocine;
- (y) Piminodine;
- (z) Racemethorphan;
- (aa) Racemorphan;
- (bb) Sulfentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- (c) Phenmetrazine and its salts;
- (d) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;

(5) Any material, compound or compound which contains any quantity of the following substances:

(a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(b) Nabilone;

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

(b) Immediate precursors to phencyclidine (PCP):

a. 1-phenylcyclohexylamine;

b. 1-piperidinocyclohexanecarbonitrile (PCC).

5. The department of health shall place a substance in Schedule III if it finds that:

(1) The substance has a potential for abuse less than the substances listed in Schedules I and II;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(a) Benzphetamine;

(b) Chlorphentermine;

(c) Clortermine;

(d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(b) Any suppository dosage form containing any quantity or salt of the following:

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

(c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;

- (d) Chlorhexadol;
- (e) Lysergic acid;
- (f) Lysergic acid amide;
- (g) Methyprylon;
- (h) Sulfondiethylmethane;
- (i) Sulfonethylmethane;
- (j) Sulfonmethane;
- (k) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(c) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(d) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

(h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

- (a) Boldenone;
- (b) Chlorotestosterone (4-Chlortestosterone);
- (c) Clostebol;

- (d) Dehydrochlormethyltestosterone;
- (e) Dihydrotestosterone (4-Dihydrotestosterone);
- (f) Drostanolone;
- (g) Ethylestrenol;
- (h) Fluoxymesterone;
- (i) Formebolone (Formebolone);
- (j) Mesterolone;
- (k) Methandienone;
- (l) Methandranone;
- (m) Methandriol;
- (n) Methandrostenolone;
- (o) Methenolone;
- (p) Methyltestosterone;
- (q) Mibolerone;
- (r) Nandrolone;
- (s) Norethandrolone;
- (t) Oxandrolone;
- (u) Oxymesterone;
- (v) Oxymetholone;
- (w) Stanolone;
- (x) Stanozolol;
- (y) Testolactone;
- (z) Testosterone;
- (aa) Trenbolone;

(bb) Any salt, ester, or isomer of a drug or substance described or listed in this subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for that administration.

(6) The department of health may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients

not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health shall place a substance in Schedule IV if it finds that:

- (1) The substance has a low potential for abuse relative to substances in Schedule III;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) Alprazolam;

(b) Barbitol;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;
(l) Cloxazolam;
(m) Delorazepam;
(n) Diazepam;
(o) Estazolam;
(p) Ethchlorvynol;
(q) Ethinamate;
(r) Ethyl loflazepate;
(s) Fludiazepam;
(t) Flunitrazepam;
(u) Flurazepam;
(v) Halazepam;
(w) Haloxazolam;
(x) Ketazolam;
(y) Loprazolam;
(z) Lorazepam;
(aa) Lormetazepam;
(bb) Mebutamate;
(cc) Medazepam;
(dd) Meprobamate;
(ee) Methohexital;
(ff) Methylphenobarbital;
(gg) Midazolam;
(hh) Nimetazepam;
(ii) Nitrazepam;
(jj) Nordiazepam;
(kk) Oxazepam;
(ll) Oxazolam;

(mm) Paraldehyde;

(nn) Petrichloral;

(oo) Phenobarbital;

(pp) Pinazepam;

(qq) Prazepam;

(rr) Quazepam;

(ss) Temazepam;

(tt) Tetrazepam;

(uu) Triazolam;

(vv) Zolpidem;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

(a) Cathine ((+)-norpseudoephedrine);

(b) Diethylpropion;

(c) Fencamfamin;

(d) Fenproporex;

(e) Mazindol;

(f) Mefenorex;

(g) Pemoline, including organometallic complexes and chelates thereof;

(h) Phentermine;

(i) Pipradrol;

(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

(5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts: pentazocine;

(6) Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers: ephedrine or its salts, **optical** isomers, or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, **optical** isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient;

(7) The department of health may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drug and its salts: buprenorphine;

(2) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(3) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone.

11. The department of health shall revise and republish the schedules annually.

195.246. 1. It is unlawful for any person to possess ephedrine, its salts, optical isomers and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical isomers with the intent to manufacture methamphetamine or any of its analogs.

2. A person who violates this section is guilty of a class D felony.

195.248. 1. It is unlawful for any person to market, sell, distribute, advertise or label any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

2. A person who violates this section is guilty of a class D felony."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 9, Section 167.020, Line 70, by inserting immediately after "RSMo," the following: "**and except as required for compliance with federal regulation or statute**,"; and

Further amend said bill and section, page 10, lines 78 and 79 by deleting said lines and inserting in lieu thereof the following: "eighteen years of age or older. Any person found to have knowingly violated the confidentiality provisions of this subsection is guilty of a class B misdemeanor. Whenever".

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 18**:

SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Pages 21-22, Section 9, Lines 1-34, by deleting all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

Senator Rohrbach requested to be recognized.

Senator Ehlmann was recognized to interrogate Senator Caskey.

Senator Ehlmann sought recognition to offer a substitute amendment.

Senator Caskey stated that he still had the floor and proceeded to offer **SSA 1** for **SA 18**.

Senator Rohrbach raised the point of order that Senator Caskey was out of order in offering the substitute amendment because Senator Ehlmann had the floor, not Senator Caskey.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Caskey offered **SSA 1** for **SA 18**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 18

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 21, Section 9, Line 1, by striking "1." from said line; and

Further amend said section, page 22, lines 6-34, by striking all of said lines.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Ehlmann raised the point of order that **SSA 1** for **SA 18** is out of order in that the amendment is not a true substitute.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Moseley, **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS**, **SA 18** and **SSA 1** for **SA 18**

(pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SB 858**, as amended: Representatives Carter, Rizzo, Hosmer, Whiteside, Kauffman.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House grants the Senate a further conference on **SCS** for **HCS** for **HB 1010** as amended and that the conferees be allowed to exceed the differences and the conferees be instructed to add the term "From General Revenue Fund. . . ." in **CCR No. 1** for **SCS** for **HCS** for **HB 1010** on page 35, lines 11 and 14.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 522 entitled:

"AN ACT"

To repeal section 302.272, RSMo 1994, relating to school bus operator permits, and to enact in lieu thereof one new section relating to the same subject.

This bill removes the restriction that prohibits persons 70 years old and over from obtaining a school bus operator's permit. I support removing the maximum age restriction; however I object to its removal without an appropriate provision for annual examination of the qualifications of school bus operators who are 70 years old and over. An annual examination is necessary to protect the safety of the public.

For the above and foregoing reasons, Senate Bill No. 522 is returned and not approved.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson resumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and corrected **SS** for **SCS** for **SB 507**; **HCS** for **SS** for **SCS** for **SB 494**; **HCS** for **SCS No. 2** for **SB 860** and **SCS** for **SB 677**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills were so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HJR 57**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Senator Clay, Chairman of the Committee on Labor and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Labor and Industrial Relations, to which was referred **HS** for **HB 839**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1382, regarding the Joplin High School Marching Eagles Band, which was adopted.

Senator Mueller offered Senate Resolution No. 1383, regarding Mr. Donald F. Cairns, which was adopted.

Senator Kenney offered Senate Resolution No. 1384, regarding Sean Phillip Williams, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 1385, regarding eight students of the Lee's Summit High School Mock Trial Team, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 484 entitled:

"AN ACT"

To repeal section 206.090, RSMo 1994, relating to certain hospital districts, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 1996, I approved said Senate Bill No. 484.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 497 entitled:

"AN ACT"

Relating to planning and zoning in certain counties with a lake with one hundred ten miles of shoreline.

On May 8, 1996, I approved said Senate Bill No. 497.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 582 entitled:

"AN ACT"

To repeal sections 209.150 and 304.080, RSMo 1994, relating to certain persons with disabilities, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

On May 8, 1996, I approved said Senate Bill No. 582.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 806 entitled:

"AN ACT"

To repeal section 58.700, RSMo 1994, relating to county coroners and medical examiners, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 1996, I approved said Senate Bill No. 806.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 720 entitled:

"AN ACT"

To repeal section 536.050, RSMo 1994, relating to administrative actions, and to enact one new section relating to the same subject.

On May 8, 1996, I approved said Senate Bill No. 720.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you House Committee Substitute for Senate Bill No. 870 entitled:

"AN ACT"

To authorize the conveyance of certain lands by the department of highways and transportation and the department of natural resources in Shannon County and in Jefferson County, with an emergency clause for one section.

On May 8, 1996, I approved said House Committee Substitute for Senate Bill No. 870.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 896 entitled:

"AN ACT"

To repeal sections 375.700 and 375.1218, RSMo 1994, relating to the distribution of assets of dissolved insurers, and to enact in lieu thereof two new sections relating to the same subject.

On May 8, 1996, I approved said Senate Committee Substitute for Senate Bill No. 896.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 916 entitled:

"AN ACT"

To repeal section 197.254, RSMo 1994, relating to hospice facilities, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 1996, I approved said Senate Committee Substitute for Senate Bill No. 916.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 945 entitled:

"AN ACT"

To repeal section 70.220, RSMo 1994, relating to cooperation between political subdivisions of the state, and to enact one new section relating to the same subject.

On May 8, 1996, I approved said Senate Bill No. 945.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Doug Smith, M.D., and his son, Brett, Higginsville.

Senator Wiggins introduced to the Senate, John, Connie and Gina Campbell, Kansas City; and Gina was made an honorary page.

Senator Sims introduced to the Senate, Mary Jo Barrett and fourteen eighth grade students from St. Mary's Elementary School, Bridgeton; and Sean Gilbert, Chris Files, Bekah DePyper and Jaclyn Avenevol were made honorary pages.

Senator Howard introduced to the Senate, Jana Poteet, Norma Smith and Cindy Berry, Poplar Bluff.

Senator Schneider introduced to the Senate, Kaye, Craig, Ted and Jill Geerling, St. Louis County.

Senator Schneider introduced to the Senate, former State Representative Fred Brummels' wife, Mary Brummels, and their grandchildren, St. Louis County.

On motion of Senator Banks, the Senate adjourned under the Rules.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTIETH DAY--THURSDAY, MAY 9, 1996

The Senate met pursuant to adjournment.

Senator Wiggins in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, few of us will ever be as good as our mothers thought or know as much as our children thought or be as important as we sometimes think we are. With Your help, we can be better than we have been. We pray that You will guide us to be better. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1386, regarding Delores Schaible, St. Charles, which was adopted.

Senator Maxwell offered Senate Resolution No. 1387, regarding the Seventy-fifth Anniversary of the St. Brendan

School, Mexico, which was adopted.

Senator Johnson offered Senate Resolution No. 1388, regarding Coach Dennis Snethen, St. Joseph, which was adopted.

CONCURRENT RESOLUTIONS

Senator Mathewson moved that **SCR 29** be taken up for adoption, which motion prevailed.

On motion of Senator Mathewson, **SCR 29** was adopted by the following vote:

Yeas--Senators			
Banks	Caskey	Clay	DePasco
Ehlmann	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	Curls	Flotron	Maxwell--4
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Absent with leave--Senators--None

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Cheryl M. Wehmeyer Price, Roy C. Wilson, M.D. and Wanda T. Terrell, as members of the Missouri Head Injury Advisory Council;

Also,

William H. (Bill) Stuart, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Douglas W. Burnett, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

William L. Farr, Jr., as Missouri State Fire Marshal;

Also,

Philip B. Sayer, Wildie L. Webster, Willard H. Halmich, Ray D. Jagger and Clint E. Mitchell, as members of the Missouri Fire Education Commission;

Also,

Jane B. Wyman, as a member of the Missouri Southern State College Board of Regents;

Also,

Russell E. Steele, as public member of the Missouri Motor Vehicle Commission;

Also,

Louis P. Hamilton and Consuelo "Connie" Washington, as members of the Tourism Commission;

Also,

Jana L. Poteet, as a member of the State Lottery Commission;

Also,

Daniel K. Behlmann, as a member of the Southwest Missouri State University Board of Regents;

Also,

Carolyn A. Landry, as a member of the Missouri Women's Council;

Also,

Reverend Nelson J. Parnell, as a member of the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals;

Also,

William C. Alumbaugh and Roxana Hauser, as members; and Sharon K. Spence, as secretary of the Jackson County Board of Election Commissioners;

Also,

Jeffrey J. Simon, as a member of the Kansas City Board of Police Commissioners;

Also,

Susan L. Constance, as a member of the Missouri Development Finance Board;

Also,

Brian J. Robb, D.O. and Laura Fitzmaurice-Amick, M.D., as members of the State Advisory Council on Emergency Medical Services;

Also,

Martha E. Hildebrandt and Fred R. Schoen, as members of the Well Installation Board;

Also,

Amy R. Hamilton and Donald Ray Loveland, as members of the State Soil and Water Districts Commission;

Also,

James W. Mitchell, as a member of the Board of Probation and Parole;

Also,

Robert L. Wolfson and Robert M. Clayton, II, as members of the Gaming Commission;

Also,

Dr. Debra A. Howenstine, Cynthia A. Rushefsky and Kathleen C. Bargeon, as members of the Child Abuse and Neglect Review Board;

Also,

Herbert W. Martin and Jack D. Atterberry, as members of the Worker's Compensation Determination Review Board;

Also,

Harold E. Richardson, as a member of the Advisory Council on Emergency Medical Services;

Also,

Dr. Larry D. Dorrell and Barbara A. Washington, as members of the Missouri Community Service Commission;

Also,

Ellen E. Dirnberger and Linda G. Arnold, as members of the Missouri Women's Council;

Also,

Loramel P. Shurtleff and Burton H. Shostak, as members of the Public Defender Commission.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

PRIVILEGED MOTIONS

Senator Mathewson moved that **HB 937**, with **HPA 1** to **SCA 1** be taken up for 3rd reading and final passage, which motion prevailed.

HPA 1 to **SCA 1** was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators--None

On motion of Senator Mathewson, **HB 937**, as amended by **HPA 1** to **SCA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Quick assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SB 895**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

HOUSE BILLS ON THIRD READING

Senator Staples moved that **HCS** for **HB 991**, with **SCA 1** (pending) and **SCAs 2, 3, and 4**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCA 1 was again taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 2 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 3 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

SCA 4 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately after said line the following:

"301.140. 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle)

seating capacity, for which a greater fee is prescribed, applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, applicant shall not be entitled to a refund.

3. Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of fifteen days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by section 301.130, number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars and fifty cents to be returned to the buyer upon return of the number plates as a guarantee that said buyer will return to the dealer such number plates within fifteen days. The director shall issue a temporary permit or paper plate authorizing the operation of a motor vehicle or trailer by a buyer for not more than twenty days of the date of purchase.

4. The temporary permit or paper plate shall be made available by the director of revenue and may be purchased from the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer. The director shall make temporary plates or permits available to registered dealers in this state in sets of ten plates or permits. The fee for the temporary permit or plate shall be seven dollars and fifty cents for each permit or plate issued. No dealer shall charge more than seven dollars and fifty cents for each permit issued. The permit or plate shall be valid for a period of twenty days from the date of issuance by the director of revenue to the purchaser of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a dealer for which the purchaser obtains a permit or plate as set out above.

5. The permit or plate shall be issued on a form prescribed by the director and issued only for the applicant's use in the operation of the motor vehicle or trailer purchased to enable him to legally operate the vehicle while proper title and registration plate are being obtained, and shall be displayed on no other vehicle. [Commercial motor vehicles and trailers displaying a permit or paper plate issued under this section must be operated while empty except for its mounted equipment.] Permits or paper plates issued under this section shall not be transferable or renewable and shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer. The director shall determine the size and numbering configuration, construction, and color of the permit and plate.

6. The dealer or authorized agent shall insert the date of issuance and expiration date, year, make, and manufacturer's number of vehicle on the paper plate or permit when issued to the buyer. The dealer shall also insert his dealer's number on the paper plate. Every dealer that issues a temporary permit or paper plate shall keep, for inspection of proper officers, a correct record of each permit or plate issued by him by recording the permit or plate number, buyer's name and address, year, make, manufacturer's number of vehicle on which the permit or plate is to be used, and the date of issuance."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator House offered SA 2:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately following all of said line the following:

"226.955. 1. Any corridor map filed pursuant to sections 226.952 to 226.957 may be revised from time to time by filing with the same regulatory authorities and county recorders who received the prior corridor map, in the manner set forth in sections 226.952 to 226.957, certified copies of an amended corridor map indicating any changes to be made in the location of the highway corridor. In the event that the commission fails to initiate construction of the new or

relocated highway which was to be located within the approved corridor within twelve years after the certified copy of the corridor map is filed under sections 226.952 to 226.957, the commission shall, in order to maintain the corridor, recertify such corridor in the manner prescribed in sections 226.950 to 226.957.

2. In order to enable the commission to acquire property to preserve a corridor for future highway construction under the provisions of sections 226.950 to 226.973, the commission shall not be required to file construction plans for the future highway with the county clerk's office as required by Missouri supreme court rule 86 or detail plans of the future highway construction with the county clerk as required by section 226.050, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately after said line, the following:

"227.022. The highways and transportation commission shall include the following streets of the city of St. Louis within the state highway system for the purposes of surface maintenance and repair only: Beginning at the city limits of St. Louis at Pine Lawn, thence in a southeasterly direction over what is known as Natural Bridge Avenue to Salisbury Street, thence in a northeasterly direction over what is known as Salisbury Street to Interstate 70. Beginning at the city limits of St. Louis at Wellston, thence in a southeasterly direction over what is known as Page Boulevard to Dr. Martin Luther King Drive, thence in a southeasterly direction over what is known as Dr. Martin Luther King Drive to Tucker Boulevard. Beginning at the east curb line of Tucker Boulevard, thence in a easterly direction over what is known as Cole Street to Interstate 70. Beginning at the city limits of St. Louis at Maplewood, thence in an easterly direction over what is known as Manchester Avenue to Chouteau Avenue, thence in an easterly direction over what is known as Chouteau Avenue to Tucker Boulevard. Beginning at the city limits of St. Louis at Shrewsbury, thence in a northeasterly direction over what is known as Chippewa Street to Marino Avenue. Beginning at the city limits of St. Louis at St. Louis County, thence in a northeasterly direction over what is known as Gravois Avenue to Tucker Boulevard. Beginning at the city limits of St. Louis at St. Louis County, thence in a northerly direction over what is known as Broadway to Seventh Boulevard, thence in a northerly direction over what is known as Seventh Boulevard to Park Avenue, thence in a northerly direction over what is known as Broadway to Riverview Boulevard. Beginning at the city limits of St. Louis at Wellston, thence in a southeasterly direction over what is known as Dr. Martin Luther King Drive to Page Boulevard. Beginning at Interstate 270 in the city of St. Louis, thence in a southerly direction over what is known as Riverview Drive to Riverview Boulevard, thence in a southerly direction over Riverview Boulevard to Interstate 70. Beginning at Gravois Avenue in the city of St. Louis, thence in a northerly direction over what is known as Kingshighway Boulevard to Interstate 70."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bill No. 991, Page 9, Section 12, Line 10, by inserting immediately after said line, the following:

"Section 13. 1. Notwithstanding any other law to the contrary, the liability of any person owning or operating

a special passenger train and any railroad corporation over whose tracks the special passenger train is operated, arising from a rail incident or accident occurring in the state and resulting from the operation of a special passenger train by the person or upon the person's tracks, shall not exceed ten million dollars for each claim, whether for compensatory or punitive damages.

2. This section shall not limit the liability of a person whose intentional misconduct causes a rail incident or accident.

3. The person operating a special passenger train shall maintain insurance coverage of not less than ten million dollars per occurrence with the person and the railroad corporation over whose tracks the special passenger train is operated, as named insureds. Such insurance shall not have a self-insured retention or deductible greater than one hundred thousand dollars. A person shall provide evidence of such coverage upon demand of the director of the department of insurance or by the railroad corporation over whose tracks the special passenger train is to be operated.

4. As used in this section, the following terms shall have the meanings given:

(1) "Person", an individual, partnership, corporation, association, institution, city, county or other political subdivision, authority, state agency or institution, or federal government agency or institution;

(2) "Railroad", a railroad as defined in section 386.020, RSMo;

(3) "Railroad corporation", a railroad corporation as defined in section 386.020, RSMo;

(4) "Special passenger train", a train which is engaged in the business of providing private or for-hire transportation of passengers at speeds which do not exceed thirty-five miles per hour over a railroad.

5. Nothing in this section shall be construed to require a railroad corporation to permit the operation of a special passenger train over its tracks."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately after said line the following:

"390.126. 1. No motor carrier shall operate any motor vehicle on any public highway in this state until after such carrier shall have filed with, and same has been approved by the division, a certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a liability insurance policy or bond in some reliable insurance company or association or other insurer satisfactory to the division and authorized to transact insurance business in this state, in such forms and upon such conditions as the division may deem necessary adequately to protect the interests of the public in the use of the public highways and with due regard to the number of persons and amount of property transported, which liability insurance shall bind the obligors thereunder to make compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such motor carrier; provided, that any motor carrier who shall furnish annually to the division, and at such other times as may be required, satisfactory proof and evidence of such carrier's financial ability to properly protect the interests of the public and pay compensation for injuries to persons and loss or damage to property, on account of or arising out of negligent operation of such carrier's business, shall not be required to furnish liability insurance policy or bond therefor.

2. No other or additional policies, bonds or licenses than those prescribed in this chapter shall be required of any

motor carrier to which the provisions of this chapter apply by any city, town or other subdivision of the state[; provided, that] **except as provided in this section.** This section shall not be so construed as to interfere with the right of any county, city or other civil subdivision of the state, to levy and collect any property tax to which such motor carrier is liable under the general revenue laws of this state within such county, city or other civil subdivision wherein the property of such motor carrier may be subject to assessment and taxation.

3. Any city, county or airport authority, except a city not within a county or an airport authority associated with such city, may collect fees not to exceed seven dollars per trip from motor carriers engaged in commercial passenger operations upon the premises of any airport owned or operated by the city, county or airport authority. Nothing in chapter 390, RSMo, shall be construed to prevent the imposition and collection of such fees."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately after said line, the following:

"226.200. 1. There is hereby created [and set up] a "State Highways and Transportation Department Fund" into which shall be paid or transferred all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers, and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting the sales tax on motor vehicles and trailers, and all property taxes), and all other revenue received or held for expenditure by or under the department of highways and transportation or the state highways and transportation commission, except:

(1) Money arising from the sale of bonds;

(2) Money received from the United States government; or

(3) Money received for some particular use or uses other than for the payment of principal and interest on outstanding state road bonds.

2. Subject to the limitations of subsections 3, 4 and 5 of this section, from said fund shall be paid or credited the cost:

(1) Of collection of all said state revenue derived from highway users as an incident to their use or right to use the highways of the state;

(2) Of maintaining the state highways and transportation commission;

(3) Of maintaining the state highways and transportation department;

(4) Of any workers' compensation for state highways and transportation department employees;

(5) Of the share of the highways and transportation department in any retirement program for state employees, only as may be provided by law; and

(6) Of administering and enforcing any state motor vehicle laws or traffic regulations.

3. For fiscal years prior to fiscal year 1993, the state highways and transportation department fund shall be reimbursed annually in an amount equal to the difference between the expenses incurred by state offices and

departments for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments.

4. For fiscal year 1993, the state highways and transportation department fund shall be reimbursed on or before July 1, 1994, in an amount equal to the difference between the expenses incurred by state offices and departments during fiscal year 1993 for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for fiscal year 1987 to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement for fiscal year 1993, the total amount appropriated to such state offices and departments during fiscal year 1987 shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section during fiscal year 1993 differs from the total state revenues paid or transferred into the fund during fiscal year 1992.

5. For fiscal year 1994 and for each fiscal year thereafter, the state highways and transportation department fund shall be reimbursed on or before the first day of the second succeeding fiscal year in an amount equal to the difference between the expenses incurred by state offices and departments during such fiscal year for the purposes specified in sections 30(a) and 30(b) of article IV of the constitution and the total amount appropriated from the state highways and transportation department fund for the preceding fiscal year to such state offices and departments as adjusted under this subsection. For the purposes of calculating any reimbursement under this subsection, the total amount appropriated to such state offices and departments during the previous fiscal year shall be increased or decreased by the percentage by which the total state revenues paid or transferred into the fund under subsection 1 of this section during such fiscal year exceeds the total state revenues paid or transferred into the fund during the preceding fiscal year.

6. The provisions of subsections 3, 4 and 5 of this section shall not apply to appropriations from the fund to the highways and transportation commission and department or to appropriations to the department of revenue for motor vehicle fuel tax refunds under chapter 142, RSMo, or to appropriations to the department of revenue for refunds or overpayments or erroneous payments from the state highways and transportation department fund.

7. All interest earned upon the state highways and transportation department fund [in excess of that amount which was earned by the state highways and transportation department fund in fiscal year 1991, which latter amount shall continue to be deposited in and to the credit of the general revenue fund,] shall be deposited in and to the credit of such fund and shall be included in the calculation of total state revenues under subsections 4 and 5 of this section.

8. Any balance remaining in said fund after payment of said costs shall be transferred to the state road bond and interest sinking fund.

9. Notwithstanding the provisions of subsection 2 of this section to the contrary, any funds raised as a result of increased taxation pursuant to sections 142.025 and 142.372, RSMo, after April 1, 1992, shall not be used for administrative purposes or administrative expenses of the highways and transportation department."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend House Committee Substitute for House Bill No. 991, Page 1, In the Title, Line 3, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 3, by adding the following: after "12", "13"; and

Further amend said bill, Page 9, Section 12, Line 10, by inserting immediately after said line the following:

"Section 13. 1. The department of highways and transportation shall not accept any bid for a public works project with an estimated cost in excess of one million dollars unless the department determines such bid is made by a contractor which satisfies the provisions of subsection 2 of this section.

2. The department of highways and transportation shall promulgate rules and regulations which determine a contractor's minimum qualifications necessary for the contractor's bid to be acceptable for a public works project in excess of one million dollars. The minimum qualifications shall determine the types of work and the maximum amount of work on which a contractor may submit a bid. The minimum qualifications shall be in regards to, but are not limited to, the following:

(1) The contractor's experience in performing the type of work project to be bid, including the construction experience of personnel necessary for the project;

(2) The contractor's ability to complete the work project to the satisfaction of the department and in a timely manner, including a listing of previous completed projects similar to the work project;

(3) An analysis of the contractor's most recent audited financial statement;

(4) The types of work the contractor is qualified to perform;

(5) The equipment the contractor has available for the project;

(6) The contractor's insurance coverage, including comprehensive general liability, worker's compensation and automobile coverages;

(7) The contractor's designation of a Missouri resident as its agent for the receipt of legal process; and

(8) The contractor's listing of all of its current projects in progress, including the value of the projects not yet completed and their completion dates.

3. Any contractor making a bid for a project with an estimated cost in excess of one million dollars shall provide information to the department necessary for a determination of minimum qualifications pursuant to subsection 2 of this section.

4. All information submitted by a contractor to the department relevant to a determination of minimum qualifications shall be confidential information as that term is defined pursuant to section 105.450, RSMo.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Clay offered SA 8, which was read:

SENATE AMENDMENT NO. 8

Amend House Committee Substitute for House Bill No. 991, Page 2, Section 227.022, Line 12, by inserting after "70." the following: "Beginning in the City of Clayton at Interstate 170, thence in an easterly direction over what is known as Forest Park Parkway to Interstate 64."

Senator Clay moved that the above amendment be adopted.

At the request of Senator Clay, **SA 8** was withdrawn.

Senator Wiggins resumed the Chair.

Senator Ehlmann offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Committee Substitute for House Bill No. 991, Page 1, In the Title, Line 2, by inserting immediately after "226.005," the following: "226.520,"; and further on lines 1-2, by striking the words "motor carriers" and inserting in lieu thereof the word "transportation"; and further on line 3, by striking the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, page 1, section A, line 1, by inserting immediately after "226.005," the following: "226.520,"; and further on line 2, by striking the word "sixteen" and inserting in lieu thereof the word "seventeen"; and further on said line, by inserting immediately after "226.005," the following: "226.520,"; and

Further amend said bill, page 1, section 226.005, line 8, by inserting immediately after said line, the following:

"226.520. On and after March 30, 1972, no outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system in this state except the following:

(1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of section 131 of Title 23 of the United States Code;

(2) Signs, displays, and devices advertising activities **which are the primary activities** conducted on the property upon which they are located, or services and products **which are among the primary services and products** therein provided;

(3) Outdoor advertising located in areas which are zoned industrial, commercial or the like as provided in sections 226.500 to 226.600 or under other authority of law;

(4) Outdoor advertising located in unzoned commercial or industrial areas as defined and determined pursuant to sections 226.500 to 226.600;

(5) Outdoor advertising for tourist oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local zoning ordinances. Outdoor advertising which is authorized by this subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited by Title 23, United States Code, section 131, as now or thereafter amended, and lawful regulations promulgated thereunder. The general assembly finds and declares it to be the policy of the state of Missouri that the tourism industry is of major and critical importance to the economic well-being of the state and that directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public is essential to the economic welfare of the tourism industry. The general assembly further finds and declares that the removal of directional signs advertising tourist oriented businesses is harmful to the tourism industry in Missouri and that the removal of directional signs within or near areas of the state where there is high concentration of tourist oriented businesses would have a particularly harmful effect upon the economies within such areas. The state highways and transportation commission is authorized and directed to determine those specific areas of the state of Missouri in which there is high concentration of tourist oriented businesses, and within such areas, no directional signs, displays and devices which are lawfully erected, which are maintained in good repair, which provide directional information about goods and services in the interest of the traveling public, and which would otherwise be required to be removed because

they are not allowed to be maintained under the provisions of sections 226.500 through 226.600 shall be required to be removed until such time as such removal has been finally ordered by the United States Secretary of Transportation;

(6) The provisions of this section shall not be construed to require removal of signs advertising churches or items of religious significance, items of native arts and crafts, woodworking in native products, or native items of artistic, historical, geologic significance, or hospitals or airports."

Senator Ehlmann moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 9** is out of order in that the amendment goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bentley offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting immediately after said line the following:

"226.525. The state highways and transportation commission is directed to erect within the right-of-way of all classes of highways within the state signs and notices pertaining to publicly and privately owned natural wonders and scenic and historical attractions under the following conditions:

(1) Such signs shall not violate any federal law, rule, or regulation affecting the allocation of federal funds to the state of Missouri or which violate any safety regulation formally promulgated by the state highways and transportation commission[.];

(2) Such official signs shall be limited in content to the name of the attraction and necessary travel information[.];

(3) Such signs shall be made available for any historical museum located within ten miles of a state or federal highway if such museum is open on a regular basis;

(4) The state highways and transportation commission shall determine those sites and attractions for which directional and other official signs may be erected as permitted by section 131 of Title 23, United States Code, which it deems of such importance as to justify such signing, using as a guide those publicly or privately owned natural wonders and scenic, historic, educational, cultural, or recreational sites which have been determined to be of general interest[.]; and

[(4)] (5) The state highways and transportation commission may require reimbursement for the cost of erection and maintenance of the official directional signs authorized hereunder when sites or attractions are privately owned by other than the state or political subdivisions. The state highways and transportation commission shall prescribe the size, number and locations of such signs based upon its determination of the travelers' need for directional information.

226.535. **1. Signs, displays, and devices giving specific information of interest to the traveling public shall be erected and maintained within the right-of-way in such areas, in an appropriate distance from interchanges on the interstate system as shall conform with the rules and regulations promulgated by the highway department. Such rules shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government, pursuant to Title 23, section 131, paragraph f, of the United States Code.**

2. Any logo sign program providing business information for motorists which is operated by the highways and transportation commission shall provide signs displaying the following services:

(1) Gas;

(2) Food;

(3) Attractions;

(4) Lodging; and

(5) Camping;

subject to the requirements of federal law. The commission shall take any action necessary to establish signs displaying local attractions, including application with the Federal Highway Administration for an experimental sign program."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 10** is out of order in that the amendment is outside the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Clay offered **SA 11**, which was read:

SENATE AMENDMENT NO. 11

Amend House Committee Substitute for House Bill No. 991, Page 1, Section 226.005, Line 8, by inserting after said line the following:

"227.023. The Highways and Transportation Commission shall include the following street within the state highway system for the purposes of surface maintenance and repair only: Beginning in the City of Clayton at Interstate 170, thence in an easterly direction over what is known as Forest Park Parkway to Interstate 64."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator McKenna assumed the Chair.

Senator Flotron offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend House Committee Substitute for House Bill No. 991, Page 9, Section 12, Line 10, by inserting immediately after said line the following:

"305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision of this state acting independently or jointly or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision of this state or the owner or owners of any privately owned airport designated as a

reliever by the Federal Aviation Administration receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions **or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** shall be made from the aviation trust fund. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to eighty percent state/twenty percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education.

5. The general assembly may appropriate to the aviation trust fund an amount not to exceed five million dollars in each fiscal year for the purposes of this section. If on January thirty-first of any year, the unobligated balance of the aviation trust fund exceeds five million dollars, no appropriation shall be made for the following fiscal year.

6. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid on an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri highway and transportation department. For projects designated as emergencies by the Missouri highway and transportation department, all requirements relating to normal procurement of engineering and construction services are waived."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend House Committee Substitute for House Bill No. 991, Page 9, Section 12, Line 10, by inserting immediately after said line, the following:

"Section 12. Any member of the Ancient Arabic Order, Nobles of the Mystic Shrine of North America (Shriners) living within the state of Missouri may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Shrine temple to which the person is a member in good standing. The Shrine temple described in this section shall authorize the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to such Shrine temple derived from this section, except reasonable administrative costs, shall be contributed to the Shriners Hospitals for Crippled and Burned Children. Any member of such Shrine temple may annually apply to the temple for the use of the emblem.

2. Upon annual application and payment of a ten dollar emblem-use contribution to the Shrine temple, the temple shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the member to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, RSMo, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the emblem of the Shrine, to the vehicle owner.

3. The license plate authorized by this section shall be in a form as prescribed in section 301.129, RSMo, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130, RSMo.

4. A vehicle owner, who was previously issued a plate with the Shrine emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Shrine emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms

required by this section."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend House Committee Substitute for House Bill No. 991, Page 9, Section 12, Line 10, by inserting immediately after said line the following:

"Section 13. Any nonprofit organization connected with a global community project directed toward the year 2004 and designated by the governing body of a city not within a county or a county with a population of over nine hundred thousand may authorize the use of a "St. Louis 2004" official emblem described in this section to be affixed on personalized license plates as provided in this section. Any vehicle owner may annually apply to a designated nonprofit organization for the use of the emblem. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any designated nonprofit organization, such nonprofit organization shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the emblem-use authorization statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the "St. Louis 2004" emblem described in this section, to the vehicle owner. The emblem design shall be approved by the governing bodies of a city not within a county and any county with a population of over nine hundred thousand. Each such license plate shall be embossed with the words "ST. LOUIS 2004" at the bottom of the plate. The license plate authorized by this section shall be made with fully reflective material with a common color scheme and design approved by the advisory committee established in section 301.129. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. A vehicle owner, who was previously issued a plate with the emblem authorized by this section who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the prescribed emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms. Any contribution to a designated nonprofit organization derived from this section may be used for any civic purpose deemed appropriate by the nonprofit organization."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 15**, which was read:

SENATE AMENDMENT NO. 15

Amend House Committee Substitute for House Bill No. 991, Page 9, Section 12, Line 10, by inserting after said line the following:

"Section 1. The portion of interstate highway 44 contained within a county of the first class having a population between ninety and one hundred thousand and bordering on the State of Kansas shall be designated as the "Congressman Gene Taylor Highway"."

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Staples, **HCS** for **HB 991**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Moseley
Mueller	Quick	Schneider	Scott
Sims	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

Lybyer	Melton	Russell	Singleton--4
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Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Johnson moved that **HCS for HB 1099**, with **SCS, SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 2** was again taken up.

At the request of Senator Klarich, the above amendment was withdrawn.

Senator Klarich offered **SSA 2** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 2 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 21, Section 276.404, Line 2, by inserting immediately after said line, the following:

"(1) "Accredited Business Accountant", anyone who is accredited by the Accreditation Council for Accountancy, the educational credential area of the National Society of Public Accountants, or anyone who is enrolled to practice before the Internal Revenue Service;"; and

Further amend said section, by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 50, section 411.026, line 3, by inserting immediately after said line, the following:

"(1) "Accredited Business Accountant", anyone who is accredited by the Accreditation Council for Accountancy, the educational credential area of the National Society of Public Accountants, or anyone who is enrolled to practice before the Internal Revenue Service;"; and

Further amend said section, by renumbering the remaining subdivisions accordingly; and

Further amend said bill, page 27, Section 276.421, line 18, by deleting **"or an independent accountant"** and inserting in lieu thereof the following: **"or an accredited business accountant"**; and

Further amend said bill, page 60, Section 411.260, line 19 by inserting after the word "accountant", the following: **"or an accredited business accountant"**.

Senator Klarich moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 2 was again taken up.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 17, Section 266.200, Lines 53-58, by deleting all of said lines after **"purchaser."** on line 53.

Senator Johnson moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1099, Page 18, Section 266.210, Lines 21-23, by deleting the following language: "If any prosecuting attorney refuses or fails to act on request of the director, the attorney general shall so act; however, no"; and substituting therefor the following: "The prosecuting attorney may refer the matter to the attorney general who shall act in the matter. No".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SCS** for **HCS** for **HB 1099**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **HCS** for **HB 1099**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
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Treppler	Westfall	Wiggins--31	
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Nays--Senator Klarich--1

Absent--Senators

Curls	Lybyer--2		
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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DePasco	Ehlmann	Flotron	Goode
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Graves	House	Howard	Johnson
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Kenney	Kinder	Mathewson	Maxwell
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McKenna	Melton	Moseley	Mueller
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Quick	Rohrbach	Russell	Schneider
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Scott	Sims	Singleton	Staples
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Treppler	Westfall	Wiggins--31	
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Nays--Senator Klarich--1

Absent--Senators

Curls	Lybyer--2		
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Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 687**, as amended, submitted the following conference committee report no. 4:

CONFERENCE COMMITTEE REPORT NO. 4

FOR HOUSE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 687, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Bill No. 687;

3. That the attached Conference Committee Substitute No. 4 for House Committee Substitute for Senate Substitute for Senate Bill No. 687, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Sheila Lumpe

/s/ David Klarich /s/ Rita D. Days

/s/ Mike Lybyer /s/ Timothy P. Green

/s/ Betty Sims /s/ Pat Secrest

/s/ John D. Schneider /s/ Emmy McClelland

Senator Goode moved that the above conference committee report no. 4 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Lybyer--2

Absent with leave--Senators--None

On motion of Senator Goode, **CCS No. 4** for **HCS** for **SS** for **SB 687**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 4

FOR HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 687

An Act to repeal sections 162.855, 162.860, 162.865, 162.870 and 162.910, RSMo 1994, relating to special school districts, and to enact in lieu thereof eleven new sections relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Quick--2

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HCR 13**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 13, Page 994, Senate Journal for May 7, 1996, Column 2, Lines 21-26 of such page, by striking all of said lines and inserting in lieu thereof the following: "**Assembly, the Senate concurring therein, that a joint interim committee on the operation of the Metropolitan Sewer District be created to be composed of five members of the House, to be appointed by the Speaker of the House, and five members of the Senate, to be appointed by the President Pro Tem of the Senate, not more than three members from each house shall be residents of St. Louis County and not more than three members from each house shall be members of the same political party. Said committee shall**".

On motion of Senator Banks, the Senate recessed for one hour.

RECESS

The time of recess having expired, the Senate was called to order by President Wilson.

RESOLUTIONS

Senator Clay offered Senate Resolution No. 1389, regarding Norman J. Tice, St. Louis, which was adopted.

Senator Treppler offered Senate Resolution No. 1390, regarding Charles Matthew Amen, St. Louis County, which was adopted.

Senator Treppler offered Senate Resolution No. 1391, regarding Dr. Robert E. Rogers, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SS for SCS for SBs 795, 542 and 563**, entitled:

An Act to repeal sections 137.073, 151.150, 163.011, 163.021, 163.031, 163.172, 164.073, 165.051, 168.500, 168.510, 168.515 and 168.520, RSMo 1994, and sections 163.025, 164.011 and 165.011, RSMo Supp. 1995, relating to state aid for public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

With House Amendment No. 1 to House Amendment No. 1, House Amendment No. 1, as amended, House Amendments Nos. 2 and 5, Part 2 of House Amendment No. 6, House Amendments Nos. 7 and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, Page 30, Section 168.515, Line 101, by striking "**under this section**" and inserting in lieu thereof "**pursuant to section 163.172, RSMo**".

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 1

Amend House Amendment No. 1 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, Page 28, Section 168.515, Line 12, by inserting after all of said line the following: "**All teachers within each stage within the same school district shall receive equal salary supplements.**"; and

Further amend said substitute, page 30, section 168.515, line 101, by inserting after all of said line the following:

"9. Beginning in the 1996-97 school year, for any teacher who participated in the career program in the 1995-96 school year, continues to participate in the program thereafter, and remains qualified to receive career pay pursuant to section 168.510, RSMo, the state's share of the teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and the state shall continue to pay such percentage of the teacher's salary supplement until any of the following occurs:

(1) The teacher ceases his or her participation in the program: or

(2) The teacher suspends his or her participation in the program for any school year after the 1995-96 school year. If the teacher later resumes participation in the program, the state funding shall be subject to the provisions of subsection 4 of this section."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 & 563, Page 19, Section 163.172, Line 45, by striking "**three**" and inserting in lieu thereof "**two**"; and

Further amend said substitute, page 19, section 163.172, line 46, by inserting after all of said line the following:

"8. For any school year in which a school district receives funds pursuant to subsections 6 and 7 of this section, such school district shall continue to expend on teacher salaries no less than the amount it expended on teacher salaries in the school year immediately prior to the school year in which it first receives such funds.

9. No school district receiving funds pursuant to subsections 6 and 7 of this section shall receive additional funds pursuant to subsection 6 of this section by virtue of the annexation of another school district to such school district during or after the school year immediately prior to the school year in which the annexing district first receives such funds; nor shall any school district annexed to a school district receiving funds pursuant to subsections 6 and 7 of this section also receive funds pursuant to subsection 6 of this section by virtue of such annexation if such annexation occurred during or after the school year immediately prior to the school year in which the annexing school district first receives such funds."

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, Page 13, Section 163.031, Line 15, by inserting after the word "tax" the following: **", except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as defined by the department of natural resources rule shall not be included"**.

PART 2 OF HOUSE AMENDMENT NO. 6

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, Page 24, Section 165.016, Line 8, by inserting after the word "section" the following:

"; except that, for any school district experiencing, over a period of three consecutive years, an average yearly increase in average daily attendance of at least three percent, the base school year certificated salary percentage may be the two year average percentage of the last two years of such period of three consecutive years, at the discretion of the school district."

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 & 563, Page 24, Section 165.011, Line 127, by inserting immediately after the word "schools." the following: **"A school district with a levy for school purposes no greater than the minimum levy specified in section 163.021, RSMo, and an obligation in the capital projects fund that satisfies at least one of the conditions specified in subsection 6 of this section, may transfer from the incidental fund to the capital projects fund the amount necessary to meet the obligation plus the transfers pursuant to subsection 4 of this section."**

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 795, 542 and 563, Page 24, Section 165.016, Lines 8 through 10, by striking all of said lines and inserting in lieu thereof **"under subsection 3 of this section."**; and

Further amend said bill, page 25, section 165.016, line 43, by inserting after all of said line the following:

"7. The provisions of this section shall not apply to any district receiving state aid pursuant to subsection 6 of section 163.031, RSMo, based on its 1992-93 payment amount per eligible pupil, which is less than 50% of the statewide average payment amount per eligible pupil paid during the previous year."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 914** and has taken up and passed **HCS** for **SB 914** as amended by the Conference Committee Report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1, SA 2** to **HS** for **HB 832** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **HPA 1** to **SA 1** but refuses to concur in **SA 1** as amended, **SA 2, SA 3, SA 4** to **HCS** for **HB 781** and request the Senate to recede from its position or failing to do so grant the House a conference.

HOUSE PERFECTING AMENDMENT NO. 1

Amend Senate Amendment No. 1 to House Committee Substitute for House Bill 781, published in the 5/6/96 Journal of the House, Page 20, Line 1, by deleting the word "**means**" and inserting in lieu thereof the word "**meals**".

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 777**.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator DePasco moved that the Senate refuse to recede from its position on **SA 1** and **SA 2** to **HS** for **HB 832** and grant the House a conference thereon, which motion prevailed.

Senator Maxwell moved that **SS** for **SCS** for **SBs 795, 542** and **563**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SS** for **SCS** for **SBs 795, 542** and **563**, as amended, entitled:

An Act to repeal sections 137.073, 151.150, 163.011, 163.021, 163.031, 163.172, 164.073, 165.051, 168.500, 168.510, 168.515 and 168.520, RSMo 1994, and sections 163.025, 164.011 and 165.011, RSMo Supp. 1995, relating to state aid for public schools, and to enact in lieu thereof fifteen new sections relating to the same subject.

Was taken up.

Senator Maxwell moved that **HCS** for **SS** for **SCS** for **SBs 795, 542** and **563**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Schneider	Sims	Singleton	Staples

Treppler Westfall Wiggins--31

Nays--Senator Russell--1

Absent--Senator Curls--1

Absent with leave--Senators

Scott--1

Senator Wiggins resumed the Chair.

Senator Johnson assumed the Chair.

President Pro Tem Mathewson assumed the Chair.

On motion of Senator Maxwell, **HCS** for **SS** for **SCS** for **SBs 795, 542 and 563**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Russell--1

Absent--Senators

Clay Lybyer--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1473**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 676**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 676

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for Senate Bill No. 676, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 676;
2. That the attached Conference Committee Amendment No. 1 to Senate Bill No. 676 be adopted;
3. That Senate Bill No. 676 with Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Phil Smith

/s/ Irene Treppler /s/ Jim Sears

/s/ Ronnie DePasco /s/ Joe Clay Crum

/s/ Marvin Singleton Carson Ross

/s/ Harold L. Caskey Fred Pouche

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 676, Page 1, Section 96.196, Line 1, by inserting after the number "96.196." the number "**1.**"; and

Further amend said bill, Page 1, Section 96.196, Line 8, by inserting after all of said line the following:

"2. If a hospital organized pursuant to this chapter accepts appropriated funds from the city during the twelve months immediately preceding the date that the hospital purchases, operates or leases its first related facility outside the city boundaries or engages in its first health care activity outside the city boundaries, the governing body of the city shall approve the hospital's plan for such purchase, operation or lease prior to implementation of the plan."; and

Further amend said bill, Page 8, Section 206.157, Line 42, by deleting the word "**court**" and inserting in lieu thereof the words "**county commission**".

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Quick, **SB 676**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay
Flotron--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

At the request of Senator McKenna, **HCS** for **HBs 844** and **1059**, with **SCS**, was placed on the Informal Calendar.

HB 905, with **SCA 1**, introduced by Representative Rizzo, et al, entitled:

An Act to create chapter 617, RSMo, by enacting six new sections relating to the creation of a department of aging, with a contingent effective date.

Was taken up by Senator DePasco.

SCA 1 was taken up.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 905, Page 2, Section 617.001, Line 13, by inserting immediately after "RSMo." the following: "**Appropriations for the department of aging shall be determined in the same appropriations bill as the department of social services.**"; and

Further amend said bill, page 2, section 617.007, lines 4-5, by striking all of said lines after "people."; and

Further amend said section, line 8, by striking the following words "not be considered in the total staff"; and inserting in lieu thereof, the following: **be appropriate additions to the staff**"; and further amend line 8, by striking the word "people" and inserting in lieu of the following: **full-time employees. Full-time employees approved by fiscal note prior to August 28, 1996, are appropriate additions to the staff number limit of seven hundred and twenty-five full-time employees.**".

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 905, Page 1, In the Title, Lines 2-3, by striking all of said lines and inserting in lieu thereof, the following: "To repeal sections 197.305 and 344.030, RSMo 1994, relating to the care of the elderly, and to enact in lieu thereof nine new sections relating to the same subject, with a contingent effective date for certain sections."; and

Further amend said bill, page 1, Section A, lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 197.305 and 344.030, RSMo 1994, and section 197.316, RSMo Supp. 1995, are repealed and nine new sections enacted in lieu thereof, to be known as sections 197.305, 197.316, 344.030, 617.001, 617.002, 617.003, 617.005, 617.007 and 617.009, to read as follows:

197.305. As used in sections 197.300 to 197.365, the following terms mean:

(1) "Affected persons", the person proposing the development of a new health care service, the public to be served, the health systems agency and health care facilities within the service area in which the proposed new health care service is to be developed;

(2) "Agency", the state health planning and development agency of the Missouri department of health;

(3) "Capital expenditure", an expenditure by or on behalf of a health care facility which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance;

(4) "Certificate of need", a written certificate issued by the committee setting forth the committee's affirmative finding that a proposed project sufficiently satisfies the criteria prescribed for such projects by sections 197.300 to 197.365;

(5) "Develop", to undertake those activities which on their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service;

(6) "Expenditure minimum", six hundred thousand dollars in the case of capital expenditures, or four hundred thousand dollars in the case of major medical equipment and new institutional health services as described in subdivision (11), paragraphs (a), (b), (c), (d), (e), (f), and (g), unless such sum exceeds federal regulations;

(7) "Health care facilities", hospitals, health maintenance organizations, tuberculosis hospitals, psychiatric hospitals, professional nursing facilities, practical nursing facilities, residential care facilities I and II, kidney disease treatment centers, including free standing hemodialysis units, and ambulatory surgical facilities, but excluding the private offices of physicians, dentists and other practitioners of the healing arts, and Christian Science sanatoriums [operated or], **also known as Christian Science Nursing facilities listed and** certified by [the First Church of Christ, Scientist, Boston, Massachusetts,] **the Commission for Accreditation of Christian Science Nursing Organization/Facilities, Inc.,** and facilities of not for profit corporations in existence on October 1, 1980, subject either to the provisions and regulations of section 302 of the Labor-Management Relations Act, 29 U.S.C. 186 or the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 401-538, and any residential care facility I or residential care facility II [operated by a religious organization qualified under section 501(c)(3) of the federal Internal Revenue Code, as amended,] which does not require the expenditure of public funds for purchase or operation[, with a total licensed bed capacity of one hundred beds or fewer];

(8) "Health service area", a geographic region appropriate for the effective planning and development of health services, determined on the basis of factors including population and the availability of resources, consisting of a population of not less than five hundred thousand or more than three million;

(9) "Health systems agency", a regional health planning agency established pursuant to PL 93-641 and, after December 31, 1981, in accordance with section 1512(b)(1)(B) thereof;

(10) "Major medical equipment", medical equipment used for the provision of medical and other health services;

(11) "New institutional health service":

(a) The development of a new health care facility;

(b) The acquisition, including acquisition by lease, of any health care facility, or major medical equipment costing in excess of the expenditure minimum;

(c) Any capital expenditure by or on behalf of a health care facility in excess of the expenditure minimum;

(d) Predevelopment activities as defined in subdivision (14) hereof costing in excess of one hundred fifty thousand dollars;

(e) Any change in licensed bed capacity of a health care facility which increases the total number of beds by more than ten or more than ten percent of total bed capacity, whichever is less, over a two-year period;

(f) Health services, excluding home health services, which are offered in a health care facility and which were not offered on a regular basis in such health care facility within the twelve-month period prior to the time such services would be offered;

(g) A reallocation by an existing health care facility of licensed beds among major types of service or reallocation of licensed beds from one physical facility or site to another by more than ten beds or more than ten percent of total licensed bed capacity, whichever is less, over a two-year period;

(12) "Nonsubstantive projects", projects which do not involve the addition, replacement, modernization or conversion of beds or the provision of a new health service but which include a capital expenditure which exceeds the expenditure minimum and are due to an act of God or a normal consequence of maintaining health care services, facility or equipment;

(13) "Person", any individual, trust, estate, partnership, corporation, including associations and joint stock companies, state or political subdivision or instrumentality thereof, including a municipal corporation;

(14) "Predevelopment activities", expenditures for architectural designs, plans, working drawings and specifications, and any arrangement or commitment made for financing; but excluding submission of an application for a certificate of need.

344.030. 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee of one hundred dollars payable to the director of revenue. Information provided in the application shall be given under oath subject to the penalties for making a false affidavit.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that [he] **the applicant** is twenty-one years of age or over, of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that [he] **the applicant** has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the written examination administered by the board. If an applicant fails to make a passing grade on the examination [he] **the applicant** may make application for reexamination on a form furnished by the board and may be retested at the next regularly scheduled examination. If an applicant fails the examination a third time, [he] **the applicant** shall be required to complete a course of instruction prescribed and approved by the board before [he] **the applicant** may reapply for examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021, RSMo. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. The board may issue a license through reciprocity to any person who is regularly licensed as a nursing home administrator in any other state, territory, or the District of Columbia, if the regulations for securing such license are equivalent to those required in the state of Missouri. However, no license by reciprocity shall be issued until the applicant passes a special examination approved by the board, which will examine the applicant's knowledge of specific provisions of Missouri statutes and regulations pertaining to nursing homes. The applicant shall furnish satisfactory evidence that [he] **such applicant** is of good moral character and has acted in the capacity of a nursing home administrator in such state, territory, or the District of Columbia, at least one year after the securing of the license. The

board, in its discretion, may enter into written reciprocal agreements pursuant to this section with other states which have equivalent laws and regulations.

4. Nothing in sections 344.010 to 344.100, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is [certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing, as having been approved] **employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc.** to administer institutions certified by such [church or denomination] **commission** for the care and treatment of the sick in accordance with [its teachings] **the creeds or tenets of a recognized church or religious denomination**, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. [His] **The applicant's** license shall be endorsed to confine [his] **the applicant's** practice to such institutions.

5. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over, of good moral character and a high school graduate or equivalent to serve as an acting nursing home administrator, provided [he] **such person** is replacing a licensed nursing home administrator who has died, has been removed or has vacated [his] **the nursing home administrator's** position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the examination has not yet been given. No temporary emergency license may be renewed more than one time."; and

Further amend said bill, page 2, Section B, line 1, by striking the word "This" and inserting in lieu thereof the following: "Sections 617.001, 617.002, 617.003, 617.005, 617.007 and 617.009 of this".

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Bill No. 905, Page 3, Section 617.009, Line 14, by inserting after said line the following:

"Section 1. Until such time as the voters approve the creation of a department of aging, the governor shall provide all privileges accorded to department directors to the director of the Division of Aging."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Melton, Mueller, Sims and Westfall.

SA 3 failed of adoption by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Russell	Sims
Singleton	Treppler	Westfall--15	

Nays--Senators

Banks	Caskey	Curls	DePasco
Goode	House	Howard	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Quick	Schneider	Staples
Wiggins--17			

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator DePasco, **HB 905**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Goode	House	Howard	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Quick	Russell	Schneider
Staples	Treppler	Westfall	Wiggins--20

Nays--Senators

Bentley	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Sims	Singleton--12

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **HB 832**, as amended: Senators DePasco, McKenna, Staples, Treppler and Bentley.

PRIVILEGED MOTIONS

Senator Flotron moved that the Senate refuse to recede from its position on **SAs 1, 2, 3 and 4** to **HCS** for **HB 781** and

grant the House a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Moseley moved that **HS** for **HCS** for **HBs 1301 and 1298**, with **SCS, SA 18** and **SSA 1** for **SA 18** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 18** was again taken up.

Senator Caskey moved that the above substitute amendment be adopted.

Senator Ehlmann offered **SPA 1** to **SSA 1** for **SA 18**:

SENATE PERFECTING AMENDMENT NO. 1 TO

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 18

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 18 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 1046 of the Senate Journal for May 8, 1996, Line 8 of column 1, by inserting immediately after the word "lines", the following: "and inserting in lieu thereof the following: **"The department shall use data provided under this section and other necessary data to establish standards for graduation rate and dropout**

rate which shall include, at a minimum, that a school's one year dropout rate be no greater than ten percent and that a school's graduation rate be no less than sixty percent. The department shall annually determine whether a school was in compliance with the graduation rate and dropout rate school standards established under this section. The department shall use data provided under this section and other necessary data to establish standards for safe schools. The department shall annually determine whether a school was in compliance with the safe school standards established under this section. The parent or guardian or a pupil, if over eighteen years of age, resident in a district and assigned to attend a school which was determined by the department to be out of compliance with the graduation rate and dropout rate standards established under this section or out of compliance with the safe school standards established under this section, or has been declared academically deficient pursuant to section 160.538, RSMo, for the preceding year may choose, upon providing written notice to the district of residence and the district to be attended, for such pupil to attend another public school within any district in the same county or an adjoining county, provided that such other school was in compliance with the graduation rate and dropout rate standards established under this section and the safe school standards established under this section for the preceding year. The district of residence shall pay tuition to the district attended if a school in another district is attended and shall provide for transportation of the pupil."; and

Further amend said bill, page 7, section 160.261, line 200, by inserting immediately after said line, the following:

"160.514. 1. By rule and regulation, and consistent with the provisions contained in section 160.526, RSMo, the state board of education shall adopt no more than seventy-five academic performance standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; lead to or qualify a student for high school graduation; prepare students for postsecondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people. The academic performance standards shall not be construed or treated as replacing any previously established standards for acceptable mastery of basic knowledge, and the standards and assessments shall set out the levels of expertise required to be mastered before the student advances to mastery of the higher-level skills set out elsewhere in the standards. The standards shall neither require nor advocate a particular curriculum, teaching method or educational philosophy, and these curricula, methods and philosophies shall remain local decisions.

2. The state board of education shall convene work groups composed of education professionals to develop and recommend academic performance standards. Separate work groups composed of professionals with appropriate expertise shall be convened for each subject area listed in section 160.518. Active classroom teachers shall constitute the majority of each work group. Teachers serving on such work groups shall be selected by professional teachers' organizations of the state. Additional teachers who are not members of such organizations may serve by appointment of the state board of education.

3. The state board of education shall develop written curriculum frameworks that may be used by school districts. Such curriculum frameworks shall incorporate the academic performance standards adopted by the state board of education pursuant to subsection 1 of this section. The curriculum frameworks shall provide guidance to school districts but shall not be mandates for local school boards in the adoption or development of written curricula as required by subsection 4 of this section.

4. Not later than one year after the development of written curriculum frameworks pursuant to subsection 3 of this section, the board of education of each school district in the state shall adopt or develop a written curriculum designed to ensure that students attain the knowledge, skills and competencies established pursuant to subsection 1 of this section. **Such knowledge, skills and competencies shall be considered the minimum level, and school districts are encouraged, where appropriate, to require additional knowledge, skills and competencies. Nothing in this chapter shall be construed to require or encourage a school district to reduce or eliminate programs, courses and curricula for gifted students.** Local school boards are encouraged to adopt or develop curricula that are rigorous and ambitious and may, but are not required to, use the curriculum frameworks developed pursuant to subsection 3 of this section. Nothing in this section or this act shall prohibit school districts, as determined by local boards of education, to develop or adopt curricula that provide for academic standards in addition to those identified by the state board of education pursuant to subsection 1 of this section.

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a **uniform** statewide assessment system that provides **uniform minimum levels of performance while allowing** maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess **basic knowledge**, problem solving, analytical ability, evaluation, creativity and application ability in the different content areas, [and] shall be [performance-based] **objective and verifiable** to identify what students know, [as well as what they] **shall be performance-based to identify what students** are able to do, and shall enable teachers to evaluate actual academic performance **in terms of individual academic grading rather than any form of group grading**. The assessment system shall neither promote nor prohibit rote memorization [and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such tests]. The statewide assessment shall measure, where appropriate by grade level **and subject matter**, a student's knowledge of academic subjects including, but not limited to, reading skills, writing skills, **memorization skills, grammatical skills, spelling skills**, mathematics skills, world and American history, forms of government, geography and science **and shall require and measure diligent attempts to answer objective questions**.

2. The assessment system shall only permit the academic performance of students in each school in the state to be tracked against prior academic performance in the same school.

3. The state board of education shall suggest criteria for a school to demonstrate that its students learn the knowledge, skills and competencies at exemplary levels worthy of imitation by students in other schools in the state and nation. "Exemplary levels" shall be measured by the assessment system developed pursuant to subsection 1 of this section, or until said assessment is available, by indicators approved for such use by the state board of education. The provisions of other law to the contrary notwithstanding, the commissioner of education may, upon request of the school district, present a plan for the waiver of rules and regulations to any such school, to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4 of this section.

4. For any school that meets the criteria established by the state board of education for three successive school years pursuant to the provisions of subsection 3 of this section, by August first following the third such school year, the

commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, excepting such waivers shall be confined to the school and not other schools in the district unless such other schools meet the criteria established by the state board of education consistent with subsection 3 of this section and the waivers shall not include the requirements contained in this section and section 160.514. Any waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the criteria established by the state board of education consistent with subsection 3 of this section.

160.526. 1. In establishing the academic standards authorized by subsection 1 of section 160.514 and the statewide assessment system authorized by subsection 1 of section 160.518, the state board of education shall consider the work that has been done by other states, recognized regional and national experts, professional education discipline-based associations and other professional education associations. Further, in establishing the academic standards and statewide assessment system, the state board of education [shall adopt the work that has been done by consortia of other states and], subject to appropriations, may contract with [such] consortia **of other states** to implement the provisions of sections 160.514 and 160.518.

2. The state board of education shall, by contract enlist the assistance of such national experts, as approved by the commission established pursuant to section 160.510, to receive reports, advice and counsel on a regular basis pertaining to the validity and reliability of the statewide assessment system. The reports from such experts shall be received by the commission, which shall make a final determination concerning the reliability and validity of the statewide assessment system. Within six months prior to implementation of the statewide assessment system, the commissioner of education shall inform the president pro tempore of the senate and the speaker of the house about the procedures to implement the assessment system, including a report related to the reliability and validity of the assessment instruments, and the general assembly may, within the next thirty legislative days, veto such implementation by concurrent resolution adopted by majority vote of both the senate and the house of representatives.

3. The commissioner of education shall establish a procedure for the state board of education to regularly receive advice and counsel from professional educators at all levels in the state, district boards of education, parents, representatives from business and industry, and labor and community leaders pertaining to the implementation of sections 160.514 and 160.518. The procedure shall include, at a minimum, the appointment of ad hoc committees and shall be in addition to the advice and counsel obtained from the commission pursuant to section 160.510.

160.538. 1. By July 1, 1996, the state board of education shall develop a procedure and criteria for determining that a school in a school district is "academically deficient". In making such a determination for any school, the state board of education shall consider the results for the school from the assessment system developed pursuant to the provisions of section 160.518 together with the results from the education audit performed under subsection 2 of this section.

2. (1) Prior to a decision that a school is academically deficient, the state board of education shall appoint an audit team of at least ten persons to conduct an education audit of the school to determine the factors that have contributed to the lack of student achievement at the school as measured by the district assessment system and make a finding as to whether the school is academically deficient. The specific standards and implementation of the education audit shall be pursuant to rules adopted by the state board of education.

(2) The audit team shall report its findings to the state board. If the audit team finds that the school is academically deficient, then the state board shall declare the school to be academically deficient.

(3) Following a decision that a school is academically deficient, the state board of education shall, within sixty days, appoint a management team of at least ten persons to conduct any necessary investigations and make any

recommendations the team believes are appropriate for the administration and management of the school necessary to promote student achievement and any additional resources which are required. Funds shall be provided, upon appropriation, under subsection 2 of section 160.530 for the operation of the audit and management teams and resources needed in the district.

(4) In the appointment of the audit and management teams, the state board of education shall appoint such persons so that at least fifty percent of the team is composed of active classroom teachers at the elementary, middle or secondary level grades. Further, no more than two persons of said team may be employees of the department of elementary and secondary education. At least one member of the team shall be a public school superintendent from another district.

(5) The management team shall report its findings and recommendations to the state board within sixty school days. The commissioner of education shall, subject to availability of resources, provide resources to the district as recommended by the management team. The management team report may also include recommendations for one or more of the following: [conducting a recall election for each member of the district school board,] suspension of indefinite contracts for certificated staff in the school and a one-year maximum length for new or renewal of contracts for the superintendent or the principal of the school. The education audit team shall reevaluate the school two years after the filing of the management team report. No [recall election,] suspension of indefinite contract or maximum contract length limit may be imposed unless the audit team determines that the school is still academically deficient.

[(6) The commissioner of education shall, upon such recommendation by the management team and upon approval by the state board of education, but only in the case where the education audit team finds the school academically deficient in its reevaluation audit under subdivision (5) of this subsection, order an election in the district to be held for the purpose of conducting a recall election of all members of the district school board. The recall election shall be held on the next available election day thereafter as provided under section 115.123, RSMo, and shall be conducted pursuant to chapter 115, RSMo, except as otherwise provided herein.]

3. (1) A district school board member of a district which contains a school declared academically deficient may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least twenty-five percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

(2) Within ten days from the date of filing such petition the election authority shall examine and ascertain whether said petition is signed by the requisite number of voters; and he shall attach to the petition his certificate, showing the result of the examination. If the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The election authority shall, within ten days after such amendment, make like examination of the amended petition and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the election authority shall submit the same to the district board without delay. If the petition shall be found to be sufficient, the district board shall order the question to be submitted to the voters of the district.

(3) If a majority of the voters vote in favor of retaining the member, he shall remain in office and shall not be subject to another recall election during his term of office except as provided in subsection 2 of this section. If a majority of voters vote to remove the member, his successor shall be chosen as provided in section 162.261, RSMo.

4. Under subdivision (5) of subsection 2 of this section, a district board of education may suspend indefinite contracts and issue probationary contracts to all certificated staff in a school declared academically deficient. However, no such indefinite contract for any person may be suspended without providing the person an opportunity for a due process hearing, conducted according to the provisions of chapter 536, RSMo, and only after the school board demonstrates that the performance of the person's duties contributed to the school meeting the criteria for being declared academically

deficient. The district board of any school which is declared academically deficient shall not issue new contracts or renew contracts to either the superintendent or the principal of the academically deficient school for a period of longer than one year. The provisions of other law to the contrary notwithstanding, a probationary teacher in a school declared academically deficient shall not be granted an indefinite contract until one year after such school is no longer determined to be academically deficient, and the probationary teacher meets all other requirements for permanent status required by law."; and

Further amend the title and enacting clause accordingly."

Senator Ehlmann moved that the above perfecting amendment be adopted.

Senator Caskey raised the point of order that **SPA 1 to SSA 1 for SA 18** is out of order in that it is substantive in nature and not a perfecting amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SSA 1 for SA 18 was again taken up.

Senator Caskey moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Kinder, Mueller and Quick.

SSA 1 for SA 18 was adopted by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Curls
DePasco	Goode	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Rohrbach	Schneider	Staples	Treppler
Westfall	Wiggins--22		
Nays--Senators			
Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Mueller	Sims--8
Absent--Senators			
Clay	Russell	Singleton--3	
Absent with leave--Senator Scott--1			

Senator Klarich offered **SA 19**:

SENATE AMENDMENT NO. 19

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 4, Section 160.261, Line 103, by inserting immediately after the word "district" on said line, the following: "**and for each teacher employed by the district**"; and further on line 108, by inserting immediately after the

word "enroll" the following: **"and shall be provided upon request to any school district by which the teacher is subsequently employed";** and

Further amend said bill, page 9, section 167.020, line 69, by inserting immediately after "request." the following: **"Except as otherwise required for compliance with federal regulation or statute, no personally identifiable teacher records, however maintained, shall be made available to any person who is not employed by the school district or another school district, or to any governmental entity other than a school district, without prior written permission of the teacher."**

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 20:**

SENATE AMENDMENT NO. 20

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting immediately after said line, the following:

"Section 10. 1. The court may order a child, who has been adjudicated for a nonviolent crime and who is age fourteen or older, to work for any employer at a rate of compensation not to exceed minimum wage, for a period of time necessary to make such restitution for the damage or loss caused by his offense.

2. A child, age fourteen or older, who is ordered by the juvenile court to make restitution for the damage or loss caused by his offense pursuant to subsection 1 of this section shall not be considered an employee as defined in section 290.500, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 21:**

SENATE AMENDMENT NO. 21

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting after all of said line the following:

"Section 10. 1. Notwithstanding any provision of law to the contrary, the state board of education is hereby granted authority to waive or modify any administrative rule adopted by the state board or policy implemented by the department of elementary and secondary education. School districts may submit applications for a waiver or modification authorized pursuant to this section. Each application shall include a written request by the school district or school districts and shall demonstrate that the intent of the rule or policy can be addressed in a more effective, efficient or economical manner or that the waiver or modification is necessary to implement a specific plan for improved student performance and school improvement. Prior to an application for waiver, the school district shall hold a public hearing regarding such waiver.

2. The state board of education may grant waivers or modifications for a school district or school districts that successfully demonstrate the ability to address the intent of the rule or policy in a more effective, efficient or economical manner, or when the waivers or modifications are demonstrated to be necessary to stimulate innovation or improve student performance, provided that the waiver or modification is based upon sound educational practices, does not endanger the health and safety of students or staff, and does not compromise equal opportunity for learning. Approved waivers or modifications shall remain in effect for a period not to exceed three school years and may be renewed by the state board of education upon application by the school district or school districts.

3. This section shall not be construed to allow the state board of education to authorize the waiver of any statutory requirements relating to teacher certification or teacher tenure."; and

Further amend title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 22**:

SENATE AMENDMENT NO. 22

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 1, In the Title, Line 4, by inserting after "1995," the following:

"and sections 302.272 and 1 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 895 and house bill no. 986, eighty-eighth general assembly, second regular session, and signed by the governor into law,"; and

Further amend the title, line 4, by striking "nineteen" and inserting in lieu thereof the word "twenty"; and further on line 5 by inserting after "provisions" the following: "and a contingent emergency clause for one section"; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after "1995," the following:

"and sections 302.272 and 1 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bill no. 895 and house bill no. 986, eighty-eighth general assembly, second regular session, and signed by the governor into law,"; and

Further amend line 3 of section A by striking "nineteen" and inserting in lieu thereof the following: "twenty"; and further on line 5, by inserting after "195.214," the following: "302.272,"; and

Further amend said bill, page 14, section 195.214, line 9, by inserting after said line the following:

"302.272. 1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus permit under this section and complied with the pertinent rules and regulations of the department of revenue. A school bus permit shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter or has a license valid in any other state;

(2) The applicant is at least twenty-one years of age;

(3) The applicant has passed a medical examination, including vision and hearing tests, as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the applicant shall pass the medical examination annually to maintain or renew the permit; and

(4) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include, but need not be limited to, a written skills examination of applicable laws, rules and procedures, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

2. Except as otherwise provided in this section, a school bus permit shall be renewed every three years and shall require the applicant to provide a medical examination as specified in subdivision (3) of subsection 1 of this section and to successfully pass a written skills examination as prescribed by the director of revenue in consultation with the department of elementary and secondary education. If the applicant is at least seventy years of age, the school bus permit shall be renewed annually, and the applicant shall successfully pass the examination prescribed in subdivision (4)

of subsection 1 of this section prior to receiving the renewed permit. The director may waive the written skills examination on renewal of a school bus permit upon verification of the applicant's successful completion within the preceding twelve months of a training program which has been approved by the director in consultation with the department of elementary and secondary education and which is at least eight hours in duration with special instruction in school bus driving.

3. The fee for a new or renewed school bus permit shall be [eleven] **three** dollars [; except that, if the applicant is at least seventy years of age, such fee shall be three dollars and seventy-five cents].

4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this section, the director of revenue shall issue a temporary school bus permit to the applicant until such time as a permanent school bus permit shall be issued following the record clearance as provided in subsection 6 of this section.

5. The director of revenue, to the best of the director's knowledge, shall not issue or renew a school bus permit to any applicant:

(1) Whose driving record shows that such applicant's privilege to operate a motor vehicle has been suspended, revoked or disqualified or whose driving record shows a history of moving vehicle violations;

(2) Who has pled guilty to or been found guilty of any felony or misdemeanor for violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense against the person as defined by chapter 565, RSMo, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for prostitution as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense against the family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons offense as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge;

(3) Who has pled guilty or been found guilty of any felony involving robbery, arson, burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any federal, state, municipal or other court of similar jurisdiction within the preceding ten years of which the director has knowledge.

6. The department of social services or the Missouri highway patrol, whichever has access to applicable records, shall provide a record of clearance or denial of clearance for any applicant for a school bus permit for the convictions specified in subdivisions (2) and (3) of subsection 5 of this section. [The Missouri highway patrol in providing the record of clearance or denial of clearance for any such applicant is authorized to obtain from the Federal Bureau of Investigation any information which might aid the Missouri highway patrol in providing such record of clearance or denial of clearance.] The department of social services or the Missouri highway patrol shall provide the record of clearance or denial of clearance within [five] **thirty** days of the date requested, relying on information available at that time, except that the department of social services or the Missouri highway patrol shall provide any information subsequently discovered to the department of revenue.

[Section 1. 1. Any motor vehicle assembled by a two or four year institution of higher education exclusively utilizing "solar power" and built to compete in a national competition organized to foster interest in solar energy shall be registered and titled by the director of revenue, other laws regulating licensing of motor vehicles to the contrary notwithstanding.

2. Such institution shall file an application in a form prescribed by the director, verified by affidavit, that such vehicle meets the requirements of subsection 1 of this section.

3. The plate issued by the director shall be the "collegiate plate" of the institution and shall display the term "solar" in a manner prescribed by the director.

4. The institution shall pay the applicable fees as determined by the director.]" and

Further amend said bill, page 22, section 9, line 34, by inserting immediately after said line the following:

"Section B. Because immediate action is necessary to ensure the availability of a sufficient number of licensed school bus drivers, section 302.272 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 302.272 of this act shall be in full force and effect upon its passage and approval, but shall only take effect subsequent to the passage and approval by the governor of conference committee substitute for senate committee substitute for house committee substitute for house bill no. 895 and house bill no. 986, eighty-eighth general assembly, second regular session."

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Mueller offered SA 23:

SENATE AMENDMENT NO. 23

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting immediately after said line, the following:

"Section 10. 1. A person commits the crime of assault of a teacher in the first degree if he attempts to kill or knowingly causes or attempts to cause serious physical injury to a teacher who is performing the duties of a teacher.

2. Assault of a teacher in the first degree is a class A felony.

Section 11. 1. A person commits the crime of assault of a teacher in the second degree if he:

(1) Attempts to cause or knowingly causes physical injury to a teacher who is performing the duties of a teacher by means of a deadly weapon or dangerous instrument;

(2) Recklessly causes serious physical injury to a teacher who is performing the duties of a teacher.

2. Assault of a teacher in the second degree is a class B felony.

Section 12. 1. A person commits the crime of assault of a teacher in the third degree if:

(1) He attempts to cause or recklessly causes physical injury to a teacher who is performing the duties of a teacher;

(2) With criminal negligence he causes physical injury to a teacher who is performing the duties of a teacher by means of a deadly weapon;

(3) He purposely places a teacher who is performing the duties of a teacher in apprehension of immediate physical injury;

(4) He recklessly engages in conduct which creates a grave risk of death or serious physical injury to a teacher who is performing the duties of a teacher.

2. Assault of a teacher in the third degree is a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered SA 24:

SENATE AMENDMENT NO. 24

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 18, Section 3, Line 21 on said page, by inserting after the word "state" the following: "with the approval of the district's board of education".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 12, Section 167.171(3)(2), Line 54 on said page, by deleting the words "following acts" and substituting in lieu thereof the following: "acts enumerated in sub-division (4) of this sub-section" and further amend said bill on page 12, Section 167.171(3)(3), line 57, by deleting the words "following acts" and substituting in lieu thereof the following: "acts enumerated in sub-division (4) of this sub-section".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting immediately after said line, the following:

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, RSMo, second degree murder under section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition; **and**

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court[; and

(10) Racial disparity in certification].

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

(1) Findings showing that the court had jurisdiction of the cause and of the parties;

(2) Findings showing that the child was represented by counsel;

(3) Findings showing that the hearing was held in the presence of the child and his counsel; and

(4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171.

211.181. 1. When a child or person seventeen years of age is found by the court to come within the applicable provisions of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child or person seventeen years of age, and the court may, by order duly entered, proceed as follows:

(1) Place the child or person seventeen years of age under supervision in his own home or in the custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child or person seventeen years of age to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes; except that, such child or person seventeen years of age may not be committed to the department of social services, division of youth services;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive the child or person seventeen years of age in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child or person seventeen years of age in a family home;

(4) Cause the child or person seventeen years of age to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child or person seventeen years of age requires it, cause the child or person seventeen years of age to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child or person seventeen years of age whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state.

2. When a child is found by the court to come within the provisions of subdivision (2) of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact upon which it exercises its jurisdiction over the child, the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or place them in family homes; except that, a child may be committed to the department of social services, division of youth services, only if he is presently under the

court's supervision after an adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

(3) Place the child in a family home;

(4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

(5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court. Execution of any order entered by the court pursuant to this subsection, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed.

3. When a child is found by the court to come within the provisions of subdivision (3) of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order duly entered, proceed as follows:

(1) Place the child under supervision in his own home or in custody of a relative or other suitable person after the court or a public agency or institution designated by the court conducts an investigation of the home, relative or person and finds such home, relative or person to be suitable and upon such conditions as the court may require;

(2) Commit the child to the custody of:

(a) A public agency or institution authorized by law to care for children or to place them in family homes;

(b) Any other institution or agency which is authorized or licensed by law to care for children or to place them in family homes;

(c) An association, school or institution willing to receive it in another state if the approval of the agency in that state which administers the laws relating to importation of children into the state has been secured; or

(d) The juvenile officer;

[(3) Beginning January 1, 1996, the court may make further directions as to placement with the division of youth services concerning the child's length of stay. The length of stay order may set forth a minimum review date;]

[(4)] (3) Place the child in a family home;

[(5)] (4) Cause the child to be examined and treated by a physician, psychiatrist or psychologist and when the health or condition of the child requires it, cause the child to be placed in a public or private hospital, clinic or institution for treatment and care; except that, nothing contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment of a child whose parents or guardian in good faith are providing other remedial treatment recognized or permitted under the laws of this state;

[(6)] (5) Suspend or revoke a state or local license or authority of a child to operate a motor vehicle;

[(7)] (6) Order the child to make restitution or reparation for the damage or loss caused by his offense. In determining the amount or extent of the damage, the court may order the juvenile officer to prepare a report and may receive other evidence necessary for such determination. The child and his attorney shall have access to any reports which may be prepared, and shall have the right to present evidence at any hearing held to ascertain the amount of damages. Any restitution or reparation ordered shall be reasonable in view of the child's ability to make payment or to perform the reparation. The court may require the clerk of the circuit court to act as receiving and disbursing agent for any payment ordered;

[(8)] (7) Order the child to a term of community service under the supervision of the court or of an organization selected by the court. Every person, organization, and agency, and each employee thereof, charged with the supervision of a child under this subdivision, or who benefits from any services performed as a result of an order issued under this subdivision, shall be immune from any suit by the child ordered to perform services under this subdivision, or any person deriving a cause of action from such child, if such cause of action arises from the supervision of the child's performance of services under this subdivision and if such cause of action does not arise from an intentional tort. A child ordered to perform services under this subdivision shall not be deemed an employee within the meaning of the provisions of chapter 287, RSMo, nor shall the services of such child be deemed employment within the meaning of the provisions of chapter 288, RSMo. Execution of any order entered by the court, including a commitment to any state agency, may be suspended and the child placed on probation subject to such conditions as the court deems reasonable. After a hearing, probation may be revoked and the suspended order executed;

[(9)] (8) When a child has been adjudicated to have violated a municipal ordinance or to have committed an act that would be a misdemeanor if committed by an adult, assess an amount of up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been adjudicated to have committed an act that would be a felony if committed by an adult, assess an amount of up to fifty dollars to be paid by the child to the clerk of the court.

4. [Beginning January 1, 1996, the court may set forth in the order of commitment the minimum period during which the child shall remain in the custody of the department of social services or any of its divisions. Beginning January 1, 1996, the department shall not discharge a child from the custody of the division of youth services before the child completes the length of stay determined by the court in the commitment order unless the committing court orders otherwise. The director of the division of youth services may at any time petition the court for a review of a child's length of stay commitment order, and the court may, upon a showing of good cause, order the early discharge of the child from the custody of the division of youth services. The department may discharge the child from the division of youth services without a further court order after the child completes the length of stay determined by the court or may retain the child for any period after the completion of the length of stay in accordance with the law.

5.] When custody of a child or person seventeen years of age is legally placed in the department of social services or any of its divisions, the department shall immediately submit its proposed treatment plan for such child or person seventeen years of age, as developed pursuant to subdivision (17) of subsection 1 of section 207.020, RSMo, to a professional evaluation team. Such a team shall be composed of a local juvenile officer, a representative of the department, a guardian ad litem, or court appointed special advocate, and where applicable, a school employee. The evaluation team shall develop a long-range permanency treatment plan for each child or person seventeen years of age within thirty days of the date upon which the department was awarded custody. The long-range treatment plan will include the following components:

(1) Type of placement which will serve the best interest and special needs of a child or person seventeen years of age and provide the least restrictive setting;

(2) Projected length of care needed by the child or person seventeen years of age and the projected cost for providing such care;

(3) Services needed by the child or person seventeen years of age and his family to facilitate reunification and the projected cost of such services;

(4) Certification from the division director or designee whether the placement and/or services recommended by the

evaluation team are available. The long-range permanency treatment plan shall be submitted to the court for consideration and approval prior to the court's final entry of a treatment order. In addition, a psychiatric or psychological evaluation shall be considered by the professional evaluation team and shall be submitted to the court for consideration for any child or person seventeen years of age who, in the discretion of the professional evaluation team, could benefit from such an examination. The juvenile court judge may assess the cost of the examination to the family based on their ability to pay.

[6.] **5.** In ordering implementation of a permanency treatment plan, the judge shall not order treatment with a specific provider but may reasonably designate the scope and extent of the services to be provided by the department to the child or person seventeen years of age subject to certification by the director of the division or designee that a provider and/or funds are available.

[7.] **6.** The department shall proceed to implement any long-range permanency plan within thirty days of its approval by the court. If the court fails to act upon a long-range permanency treatment plan within fifteen days of its submission by the professional evaluation team, then such plan shall be implemented by the department as if approved by the court and shall remain in effect until otherwise ordered by the court.

[8.] **7.** The department may seek appellate review of any long-range permanency treatment plan it is required by court order or operation of law to implement.

[9.] **8.** When an assessment has been imposed under the provisions of subsection 2 or 3 of this section, the assessment shall be paid to the clerk of the court in the circuit where the assessment is imposed by court order, to be deposited in a fund established for the sole purpose of payment of judgments entered against children in accordance with section 211.185.

211.231. 1. All commitments made by the juvenile court shall be for an indeterminate period of time[, unless the child is committed pursuant to subdivision (3) of subsection 3 of section 211.181,] and shall not continue beyond the child's twenty-first birthday.

2. Whenever the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child, and the institution or agency shall give to the court such information concerning the child as the court may require from time to time so long as the child is under the jurisdiction of the juvenile court."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 26** is out of order in that it goes beyond the scope and purpose of the original bill.

President Wilson resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Ehlmann offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 14, Section 195.214, Line 9, by inserting immediately after said line the following:

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and

such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, RSMo, second degree murder under section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification, **except when the offense alleged occurred on school property.**

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Howard resumed the Chair.

Senator Curls raised the point of order that **SA 27** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

At the request of Senator Moseley, **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS** and **SA 27** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 854**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 783**, entitled:

An Act to repeal sections 288.050, 288.070, 288.100, 288.113, 288.130, 288.140, 288.160, 288.190, 288.200, 288.380 and 347.187, RSMo 1994, and sections 288.030, 288.032, 288.036, 288.114, 351.488 and 358.150, RSMo Supp. 1995, relating to streamlining of employment security programs, and to enact in lieu thereof sixteen new sections relating to the same subject, with an effective date for a certain section.

With House Amendment No. 1, House Amendment No. 1 to House Amendment No. 2, House Amendment No. 2 as amended, House Amendment No. 4, House Amendment No. 6.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 783, Page 1, In the Title, Line 9, by deleting the word "sixteen" and inserting in lieu thereof the following: "seventeen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "sixteen" and inserting in lieu thereof the following: "seventeen"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the number "288.200" the following: "288.379,"; and

Further amend said bill, Page 48, Section 288.200, Line 20, by inserting after all of said line the following:

"288.379. 1. Effective January 1, 1997, an individual filing a new or renewed unemployment compensation claim shall, at the time of filing such claim, be advised that:

(1) Unemployment compensation is subject to federal, state and local income tax;

(2) Requirements exist pertaining to estimated tax payments;

(3) The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code;

(4) The individual shall be permitted to change a previously elected withholding status.

2. Amounts deducted and withheld from unemployment compensation shall remain in the unemployment compensation trust fund until transferred to the federal, state or local taxing authority as a payment of income tax.

3. The division shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

4. Amounts shall be deducted and withheld pursuant to this section only after amounts are deducted and withheld for any overpayments of unemployment compensation, child support obligations, food stamps overissuances or any other amounts required to be deducted and withheld pursuant to this chapter."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 2

Amend House Amendment No. 2 to House Substitute for Senate Bill No. 783, Page 8, Section 288.040, Line 19, by

deleting the words "terminal leave pay,".

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill No. 783, Page 1, In the Title, Line 5, by inserting after the figure "288.036," the following: "288.040,"; and

Further amend said bill, Page 1, In the Title, Line 9, by deleting the word "sixteen" and inserting in lieu thereof the following: "seventeen"; and

Further amend said bill, Page 1, Section A, Line 3 of said page, by inserting after the figure "288.036," the following: "288.040,"; and

Further amend said bill, Page 1, Section A, Line 4 of said page, by deleting the word "sixteen" and inserting the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 6 of said page, by inserting after the figure "288.036," the following: "288.040,"; and

Further amend said bill, Page 20, Section 288.036, Line 16 of said page, by inserting after all of said line the following:

"288.040. 1. A claimant who is unemployed and has been determined to be an insured worker shall be eligible for benefits for any week only if the deputy finds that:

(1) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the division may prescribe;

(2) He is able to work and is available for work. No person shall be deemed available for work unless he has been and is actively and earnestly seeking work. Upon the filing of an initial or renewed claim, and prior to the filing of each weekly claim thereafter, the deputy shall notify each claimant of the number of work search contacts required to constitute an active search for work. No person shall be considered not available for work, under this subdivision, solely because he is a substitute teacher or is on jury duty. A claimant shall not be determined to be ineligible under this subdivision because of not actively and earnestly seeking work if:

(a) The claimant is participating in training approved under section 236 of the Trade Act of 1974, as amended, (19 U.S.C.A. Sec. 2296, as amended); or

(b) The claimant is temporarily unemployed through no fault of his own and has a definite recall date within eight weeks of his first day of unemployment; however, upon application of the employer responsible for the claimant's unemployment, such eight-week period may be extended at the discretion of the director;

(3) He has reported in person to an office of the division as directed by the deputy, but at least once every four weeks, except that a claimant shall be exempted from the reporting requirement of this subdivision if:

(a) The claimant is claiming benefits in accordance with division regulations dealing with partial or temporary total unemployment; or

(b) The claimant is temporarily unemployed through no fault of his own and has a definite recall date within eight weeks of his first day of unemployment; or

(c) The claimant resides in a county with an unemployment rate, as published by the division, of ten percent or more and in which the county seat is more than forty miles from the nearest division office;

Ineligibility under this subdivision shall begin on the first day of the week which the claimant was scheduled to claim and shall end on the last day of the week preceding the week during which the claimant does report in person to the

division's office;

(4) Prior to the first week of a period of total or partial unemployment for which he claims benefits he has been totally or partially unemployed for a waiting period of one week. No more than one waiting week will be required in any benefit year. The one-week waiting period shall become compensable after unemployment during which benefits are payable for nine consecutive weeks. No week shall be counted as a week of total or partial unemployment for the purposes of this subsection unless it occurs within the benefit year which includes the week with respect to which he claims benefits;

(5) He has made a claim for benefits;

(6) The claimant is participating in re-employment services, such as job search assistance services, as directed by the deputy if the claimant has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the division, unless the deputy determines that:

(a) The individual has completed such reemployment services; or

(b) There is justifiable cause for the claimant's failure to participate in such reemployment services.

2. A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds he is or has been suspended by his most recent employer for misconduct connected with his work.

3. (1) Benefits based on "service in employment", defined in subsections 7 and 8 of section 288.034, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this law; except that:

(a) With respect to service performed in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) With respect to services performed in any capacity (other than instructional, research, or principal administrative capacity) for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform such services in the second of such academic years or terms;

(c) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits shall not be paid on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performed such services in the period immediately before such vacation period or holiday recess, and there is reasonable assurance that such individual will perform such services immediately following such vacation period or holiday recess;

(d) With respect to services described in paragraphs (a) and (b) of this subdivision, benefits payable on the basis of services in any such capacity shall be denied as specified in paragraphs (a), (b), and (c) of this subdivision, to any individual who performed such services at an educational institution while in the employ of an educational service agency, and for this purpose the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(2) If compensation is denied for any week under paragraph (b) or (d) of subdivision (1) of this subsection, to any individual performing services at an educational institution in any capacity (other than instructional, research or

principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he is receiving or has received remuneration exceeding his weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability under the workers' compensation law of any state or under a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer under a plan maintained or contributed to by such employer; but, except for such payments made under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility for or increase the amount of such pension, retirement or retired pay, annuity or similar payment[.];

(c) Wages in lieu of notice, terminal leave pay, severance pay, separation pay or dismissal payments, regardless of whether the remuneration is voluntary or required by policy or contract. Lump sum payments and periodic payments shall be prorated by weeks on the basis of the most recent weekly wage of the individual for a standard work week.

(2) If the remuneration referred to in this subsection is less than the benefits which would otherwise be due, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration, and, if such benefit is not a multiple of one dollar, such amount shall be lowered to the next multiple of one dollar.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, if a claimant has contributed in any way to the Social Security Act or the Railroad Retirement Act of 1974, or the corresponding provisions of prior law, no part of the payments received under such federal law shall be deductible from the amount of benefits received under this chapter.

5. A claimant shall be ineligible for waiting week credit or benefits for any week for which or a part of which he has received or is seeking unemployment benefits under an unemployment insurance law of another state or the United States; provided, that if it be finally determined that he is not entitled to such unemployment benefits, such ineligibility shall not apply.

6. (1) A claimant shall be ineligible for waiting week credit or benefits for any week for which the deputy finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute in the factory, establishment or other premises in which he is or was last employed. In the event he secures other employment from which he is separated during the existence of the labor dispute, he must have obtained bona fide employment as a permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) He does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

8. Benefits shall not be payable on the basis of services performed by an alien, unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the Immigration and Nationality Act).

(1) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

(2) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 783, Page 1, In the Title, Line 4, by deleting all of said line and inserting in lieu thereof the following: "288.200, 288.380, 327.401 and 347.187, RSMo 1994, and"; and

Further amend said bill, Page 1, Section A, Line 2 of said page, by deleting all of said line and inserting in lieu thereof the following:

"288.130, 288.140, 288.160, 288.190, 288.200, 288.380, 327.401 and 347.187,"; and

Further amend said bill, Page 1, Section A, Line 7 of said page, by deleting all of said line and inserting in lieu thereof the following: "288.130, 288.140, 288.160, 288.190, 288.200, 288.380, 327.401, 347.187,"; and

Further amend said bill, Page 60, Section 288.380, Line 3 of said page, by inserting after all of said line the following:

"327.401. 1. The right to engage in the practice of architecture or to practice as a professional engineer or to practice as a land surveyor shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his **or her** certificate of registration and shall not be transferable; but any registered architect or any registered professional engineer or any registered land surveyor may practice his **or her** profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the registered architect or registered professional engineer or registered land surveyor by whom or under whose personal direction the same were prepared and that the registered architect or registered engineer or registered land surveyor who affixes his **or her** signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the [general and business corporation law or under the professional] corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or land surveying and any existing corporation which amends its charter to propose to practice architecture or professional engineering or land surveying shall obtain a certificate of authority for each profession named in the articles of incorporation **or articles of organization** from the board which

shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or land surveying services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or land surveying activities in this state to an architect registered and authorized to practice architecture in this state or to a professional engineer registered and authorized to practice engineering in this state or to a land surveyor registered and authorized to practice land surveying in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or land surveying activities, as the case may be, of any such corporation in this state shall be registered and authorized to practice architecture or professional engineering or land surveying, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

3. As used in this section, the term "corporation" means any general business corporation, or limited liability company."

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 783, Page 60, Section 288.380, Line 3, by inserting immediately after said line, the following:

"347.015. As used in sections 347.010 to 347.187, the following terms mean:

(1) "Articles of organization", the articles referred to in section 347.039, filed with the secretary for the purpose of forming a limited liability company, as the same may be amended or restated from time to time as provided in sections 347.010 to 347.187;

(2) "Authorized person", manager, or member, if management of the limited liability company is vested in the members;

(3) "Bankruptcy", the entry of an order for relief by the court in a proceeding under the United States Bankruptcy Code, Title 11, U.S.C., as amended, or its equivalent under a state insolvency act or a similar law of other jurisdictions;

(4) "Business" includes every trade, occupation or profession;

(5) "Contribution", cash, other property, the use of property, services rendered, a promissory note or other binding obligation to contribute cash or property or perform services or any other valuable consideration transferred by a person to the limited liability company as a prerequisite for membership in the limited liability company and any subsequent transfer to the limited liability company by a person in his capacity as a member;

(6) "Court" includes every court and judge having jurisdiction in the case;

(7) "Domestic limited liability company" or "limited liability company", a limited liability company organized and existing under sections 347.010 to 347.187;

(8) "Event of withdrawal", an event that causes a person to cease to be a member as provided in section 347.123;

(9) "Foreign limited liability company", a limited liability company formed under the laws of any jurisdiction other than the state of Missouri;

(10) "Limited liability company", a legal entity that is an unincorporated organization having two or more members, and that is organized pursuant to or is subject to this chapter;

[(10)] **(11)** "Manager", with respect to a limited liability company whose articles of organization state that management of the limited liability company is vested in one or more managers, the person or persons designated, appointed or elected as such in the manner provided in subsection 2 of section 347.079;

[(11)] **(12)** "Member", any person that signs in person or by an attorney in fact, or otherwise is a party to the operating agreement at the time the limited liability company is formed and is identified as a member in that operating agreement and any person who is subsequently admitted as a member in a limited liability company in accordance with sections 347.010 to 347.187 and the operating agreement, until such time as an event of withdrawal occurs with respect to such person;

[(12)] **(13)** "Member's interest", a member's share of the profits and losses of a limited liability company and the right to receive distributions of limited liability company assets;

[(13)] **(14)** "Operating agreement", any valid agreement or agreements, written or oral, among all members, concerning the conduct of the business and affairs of the limited liability company and the relative rights, duties and obligations of the members and managers, if any;

[(14)] **(15)** "Organizer", any of the signers of the initial articles of organization;

[(15)] **(16)** "Person" includes individuals, partnerships, domestic or foreign limited partnerships, domestic or foreign limited liability companies, domestic or foreign corporations, trusts, business trusts, **employee stock ownership trusts**, real estate investment trusts, estates and other associations or business entities **or any other legal entity**;

[(16)] **(17)** "Real property" includes land, any interest, leasehold or estate in land and any improvements thereon;

[(17)] **(18)** "Secretary", the secretary of state for the state of Missouri and its delegates responsible for the administration of sections 347.010 to 347.187;

[(18)] **(19)** "Surviving entity", the surviving or resulting person pursuant to a merger or consolidation in which one or more domestic limited liability companies are parties." and

Further amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HS** for **HB 832**, as amended: Representatives: Montgomery, Leutkenhaus, Pauley, Hartzler (123), Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 898**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 4 on **HCS** for **SS** for **SB 687** and has taken up and passed **CCS No. 4** for **HCS** for **SS** for **SB 687**.

Emergency clause adopted.

Bill ordered enrolled.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Corrections and General Laws, Senator Mathewson submitted the following report:

Mr. President: Your Committee on Corrections and General Laws, to which was referred **HS** for **HCS** for **HB 1172**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Moseley moved that **HS** for **HCS** for **HBs 1301** and **1298**, with **SCS** and **SA 27** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 27 was again taken up.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Flotron, Mueller, Treppler and Westfall.

SA 27 failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Graves	House
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Russell	Singleton
Staples	Treppler	Westfall--15	

Nays--Senators

Banks	Bentley	Caskey	Curls
DePasco	Goode	Howard	Johnson
Mathewson	Maxwell	McKenna	Moseley
Quick	Schneider	Sims	Wiggins--16

Absent--Senators

Clay	Lybyer--2
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Absent with leave--Senator Scott--1

Senator Rohrbach offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by adding at the end of said section the following:

"Section 10. After the effective date of this act any school district with a graduation rate as reported in Section 9 of less than sixty percent shall not issue any multi year contract to any administrator.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 29**, which was read:

SENATE AMENDMENT NO. 29

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 9, Section 167.020, Line 69, by deleting the words "seven business days" and inserting the words "three business days"; and

Further amend said bill page 4 line 107 by adding, after the word "provided", the following: "as required in section 167.020 RSMo".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 18, Section 3, Line 19, by adding, at the end of said line, the following: "and shall not be offered for academic credit".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Ehlmann offered **SA 31**, which was read:

SENATE AMENDMENT NO. 31

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 21, Section 7, Line 2, by adding, at the end of said line, the following: "who have graduated or reached the age of twenty-one years."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 7, Section 162.680, Lines 1-16, by striking all of said section and inserting in lieu thereof the following:

"162.680. 1. No child may be denied services provided by sections 162.670 to 162.995 because of his handicapping condition.

2. To the maximum extent appropriate, handicapped and severely handicapped children shall be educated along with children who do not have handicaps and shall attend regular classes, **except that in the case of a disability resulting in violent behavior which causes a substantial likelihood of injury to the student or others, the school district shall**

initiate procedures consistent with state and federal law to remove the child to a more appropriate placement. Impediments to learning and to the normal functioning of such children in the regular school environment shall be overcome whenever practicable by the provision of special aids and services rather than by separate schooling for the handicapped."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 22, Section 9, Line 34, by inserting immediately after said line, the following:

"Section 10. The school board of any school district may adopt a policy regarding the use of profane language in school by students and teachers. The policy may provide for discipline of students who use profane language, including suspension not to exceed ten days, and the policy may provide for discipline or dismissal for teachers who use profane language or who allow students to use profane language in violation of the policy."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Ehlmann offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Line 89, by inserting immediately after said line, the following:

"170.260. Each school in each school district, as defined in section 160.010, RSMo, which offers more than one classroom section of a regular instruction class or program, shall offer at least one section of such class or program which shall be designated as "motivated". Only students who apply for entrance into the motivated section and complete and sign a motivated contract, established by resolution of the school board of the district, shall be eligible for admission into a class or program designated as "motivated". The contract shall include, at a minimum:

(1) A commitment to do all required homework;

(2) A commitment to be respectful to teachers and other students at all times;

(3) Provision for probationary status upon the first violation of the contract by the student; and

(4) Provision for transfer to a regular class or program upon the second violation of the contract within a school year by the student."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Banks raised the point of order that **SA 34** is out of order in that the amendment goes beyond the scope and title of the bill.

President Pro Tem Mathewson ruled the point of order not well taken.

SA 34 was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 35**:

SENATE AMENDMENT NO. 35

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 13, Section 167.171, Line 89, by inserting immediately after said line, the following:

"170.260. Each school in each school district, as defined in section 160.010, RSMo, which offers more than one classroom section of a regular instruction class or program, may offer at least one section of such class or program which shall be designated as "motivated". Only students who apply for entrance into the motivated section and complete and sign a motivated contract, established by resolution of the school board of the district, shall be eligible for admission into a class or program designated as "motivated". The contract shall include, at a minimum:

- (1) A commitment to do all required homework except when extenuating circumstances are present;**
- (2) A commitment to be respectful to teachers and other students at all times;**
- (3) Provision for probationary status upon the first violation of the contract by the student; and**
- (4) Provision for transfer to a regular class or program upon the third violation of the contract within a school year by the student."; and**

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 36**, which was read:

SENATE AMENDMENT NO. 36

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 10, Section 167.020, Line 75, by striking "; without" and inserting in lieu thereof the following: "**unless the school district has obtained within the current school year and has on file**".

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, Page 14, Section 574.085, Line 1, by inserting immediately before said line, the following:

"304.076. Notwithstanding anything in subsection 1 of section 304.075 to the contrary, effective August 28, 1996, any new bus to be used to transport children to or from a federal Head Start program shall bear signs indicating that it is a Head Start school bus. Any bus that was used to transport children to or from a Head Start program prior to August 28, 1996, that continues to transport children to or from a Head Start program after such date may bear signs indicating that it is a Head Start school bus."; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley moved that **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended, be adopted, which motion prevailed.

On motion of Senator Moseley, **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senator Rohrbach--1

Absent--Senators

Clay	Curls--2
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Absent with leave--Senator Scott--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay Curls--2

Absent with leave--Senator Scott--1

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

On motion of Senator Banks, the Senate recessed for 20 minutes.

RECESS

The time of recess having expired, the Senate was called to order by Senator Howard.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1002**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1002

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1002, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 1002, and the Conference Committee Substitute for House Bill No. 1002, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Richard Franklin

/s/ Emory Melton /s/ Doyle Childers

/s/ John T. Russell /s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Treppler--3
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Absent with leave--Senator Scott--1

President Pro Tem Mathewson resumed the Chair.

On motion of Senator Lybyer, **CCS** for **HB 1002**, entitled:

CONFERENCE COMMITTEE SUBTITUTE

FOR HOUSE BILL NO. 1002

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and of the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money from the General Revenue Fund to the State School Moneys Fund, and to transfer money from the General Revenue Fund to the Video Instructional Development and Educational Opportunity Fund, and to transfer money from the General Revenue Fund to the Outstanding Schools Trust Fund, and to transfer money from the Gaming Proceeds for Education Fund to the State School Moneys Fund and to transfer money from the Gaming Proceeds for Education Fund to the School District Bond Fund and for the investment in registered bonds of the State Public School Fund by the State Board of Education for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples

Treppler Westfall Wiggins--31

Nays--Senators--None

Absent--Senators

Bentley Clay--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for **HB 1003**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1003

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No.1003,as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No.1003, as amended, and that the House recede from its position on House Committee Substitute for House Bill No.1003, and the Conference Committee Substitute for House Bill No.1003, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Richard Franklin

/s/ Emory Melton /s/ Doyle Childers

/s/ John T. Russell /s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves

House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Bentley	Clay--2
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Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1003**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE BILL No. 1003

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Schneider--2
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The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1004**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1004

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1004, and that the House recede from its position on House Committee Substitute for House Bill No. 1004, and the Conference Committee Substitute for House Bill No. 1004, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Timothy Green

/s/ Emory Melton /s/ Kenneth Legan

/s/ John T. Russell /s/ Carl M. Vogel

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton

Staples Treppler Westfall Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1004**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE BILL No. 1004

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Highways and Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on

SCS for HCS for HB 1005, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE BILL No. 1005

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1005, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 1005, and the Conference Committee Substitute for House Bill No. 1005, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Timothy Green

/s/ Emory Melton /s/ Carl M. Vogel

/s/ John T. Russell Chuck Wooten

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators

Ehlmann House Melton--3

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1005**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1005

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Bentley	Ehlmann	House	Melton
Mueller--5			

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1006**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1006

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1006, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 1006, and the Conference Committee Substitute for House Bill No. 1006, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Phil Tate

/s/ Emory Melton /s/ Bonnie Sue Cooper

/s/ John T. Russell /s/ James E. Graham

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senator Bentley--1

Absent--Senators

Clay Staples--2

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1006**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1006

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Conservation, Department of Natural Resources, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay Staples--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1007**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1007

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1007, and that the House recede from its position on House Committee Substitute for House Bill No. 1007, and the Conference Committee Substitute for House Bill No. 1007, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin
/s/ Wayne Goode /s/ Phil Tate
/s/ Emory Melton /s/ Bonnie Sue Cooper
/s/ John T. Russell /s/ Emmy McClelland

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay Staples--2

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1007**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1007

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and the Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Staples--2
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1008**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1008

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1008, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1008 and that the House recede from its position on House Committee Substitute for House Bill No. 1008, and the Conference Committee Substitute for House Bill No. 1008, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Richard Franklin

/s/ Emory Melton /s/ Doyle Childers

/s/ John T. Russell /s/ Sandra D. Kauffman

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1008**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1008

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1009**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1009

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1009, as amended, and that the House recede from its position on House Committee Substitute for House Bill No. 1009, and the Conference Committee Substitute for House Bill No. 1009, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Charles Q. Troupe

/s/ Emory Melton /s/ Pat Kelley

/s/ John T. Russell /s/ Connie Murray

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton

Staples Treppler Westfall Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1009**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1009

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HB 1013**, with **SCS**, entitled:

An Act to appropriate money for real property leases, related services and utilities and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1996, and ending June 30, 1997.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1013**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1013

An Act to appropriate money for real property leases, related services and utilities and systems furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds, for the period beginning July 1, 1996, and ending June 30, 1997.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1013** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1013** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1019, introduced by Representative Lumpe, entitled:

An Act to appropriate money for capital improvement, transfer money between various funds, and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 1996 and ending June 30, 1997.

Was taken up by Senator Lybyer.

On motion of Senator Lybyer, **HB 1019** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Caskey moved that **HB 773**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

PRIVILEGED MOTIONS

Senator Bentley moved that the vote by which **SA 1** to **HB 773** was adopted be reconsidered, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Mueller	Singleton--2
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Absent--Senator Clay--1

Absent with leave--Senator Scott--1

SA 1 was again taken up.

At the request of Senator Bentley, **SA 1** was withdrawn.

On motion of Senator Caskey, **HB 773**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

BILLS DELIVERED TO THE GOVERNOR

HCS for SS for SCS for SB 494; SCS for SB 677; HCS for SCS No. 2 for SB 860; and corrected SS for SCS for SB 507, after having been duly signed by the Speaker of the House of Representatives in open session, were delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1392, regarding Bentley Edward Davis, Blue Springs, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1393, regarding the "Lewis and Clark Discovery Expedition 1996", St. Charles, which was adopted.

Senator Bentley offered Senate Resolution No. 1394, regarding Jacqueline Hamra, which was adopted.

Senator McKenna offered Senate Resolution No. 1395, regarding the Busch Soccer Club Team, which was adopted.

Senator McKenna offered Senate Resolution No. 1396, regarding Jennifer M. Heitert, Jefferson County, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Chris Billings, D.O., Springfield.

Senator Klarich introduced to the Senate, fourth grade students from Caledonia; and Michelle Milam, Chris Pierce, Erin Harbison and Christy Jones were made honorary pages.

Senator Rohrbach introduced to the Senate, Carolyn Adams and fifteen fourth grade students from Pilot Grove Elementary School, Pilot Grove.

Senator Rohrbach introduced to the Senate, Kaleb Mormann, Cole County; and Kaleb was made an honorary page.

Senator Moseley introduced to the Senate, the Student Council from Moberly Middle School, Moberly; and Kevin Banks, Amanda Ingersoll, Brandon Mallory and Cecil Wisker were made honorary pages.

Senator Moseley introduced to the Senate, students from West Park School, Moberly; and Susan Steffers, Jeremy Bunce, Roni Myres and Hannah Hackett were made honorary pages.

Senator Caskey introduced to the Senate, Marlene Stewart and one hundred fourth grade students from Knob Noster Elementary School, Knob Noster.

Senator Rohrbach introduced to the Senate, Ruby Mead, and her grandson, Steven Stout, Lake Ozark.

On motion of Senator Banks, the Senate adjourned under the Rules.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIRST DAY--FRIDAY, MAY 10, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Lord, Your people in this building have worked long and hard this week. We pray that this weekend might refresh their hearts, minds and souls. Give to everyone who labored here a time to celebrate family as we honor our mothers. Revive us with a renewed sense of family values and give strength for the week to come. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Absent with leave--Senator Scott--1

The Lieutenant Governor was present.

RESOLUTIONS

Senator House offered Senate Resolution No. 1397, regarding Victor C. "Vic" Crawley, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SB 560**, entitled:

An Act to repeal sections 301.140, 301.344, 304.001, 304.150, 304.155, 304.157 and 304.575, RSMo 1994, and sections 301.010 and 306.906, RSMo Supp. 1995, relating to the towing of motor vehicles, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 2, 3, 4, 6, 8, 9, 10, 11, 12 and 13.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 43, Section 304.156, Lines 2 through 3 from the top of said page, by deleting all of said lines and inserting in lieu thereof the following: "**section.**"; and

Further amend said bill, Page 44, Section 304.156, Line 22 from the top of said page, by deleting the following: "**receipt; and**" and inserting in lieu thereof the following: "**receipt.**"; and

Further amend said bill, Page 45, Section 304.156, Lines 1 through 3 from the top of said page, by deleting all of said lines.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 49, Section 304.157, Line 11, by inserting after the word "officer" the following:

"pursuant to subdivision 1 of subsection 2 of this section".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 29, Section 304.155, Line 1 from the top of said page, by inserting immediately after the words "this section" the following: "**or by ordinance of a county or municipality licensing and regulating the sale of abandoned property by the municipality**".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 57, Section 304.158, Line 13, by striking the "period" after "property" and inserting a "comma" and the following: "except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company or storage facility may then demand payment in the form of cash.".

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 1, In the Title, Line 2, by inserting after the number "301.344," the number "301.566,"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the words "the towing of"; and

Further amend said bill, Page 1, In the title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Section A, Line 1, by inserting after the number "301.344," the number "301.566,"; and

Further amend said bill, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "301.344," the number "301.566,"; and

Further amend said bill, Page 16, Section 301.344, Line 5, by inserting after all of said line the following:

"301.566. **1.** A motor vehicle dealer may participate in any motor vehicle show or sale, and conduct sales of motor vehicles thereat, away from [his] **the dealer's** usual, licensed place of business if the event is conducted for not more than ten days, and if a majority of the motor vehicle dealers within a class of dealers described pursuant to subsection 3 of section 301.550 in a city or town participate in the event, except that a recreational motor vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550 may participate in such a show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event. The commission shall consider such events to be proper in all respects and as if each dealer participant was conducting business at [his] **the dealer's** usual business location.

2. A recreational vehicle dealer, as that term is defined in section 700.010, RSMo, who is licensed in another state may participate in recreational vehicle shows or exhibits with recreational vehicles within this state, in which less than fifty dealers participate as exhibitors with permission of the dealer's licensed manufacturer if all of the following conditions exist:

(1) The show or exhibition has a minimum of ten recreational vehicle dealers licensed as motor vehicle dealers in this state;

(2) More than fifty percent of the participating recreational vehicle dealers are licensed motor vehicle dealers in this state; and

(3) The state in which the recreational vehicle is licensed is a state contiguous to Missouri and the state permits recreational vehicle dealers licensed in Missouri to participate in recreational vehicle shows in such state pursuant to conditions substantially equivalent to the conditions which are imposed on dealers from such state who participate in recreational vehicle shows in Missouri.

3. A recreational vehicle dealer licensed in another state may participate in a vehicle show or exhibition in Missouri which has, when it opens to the public, at least fifty dealers displaying recreational vehicles if the show or exhibition is trade-oriented and is predominantly funded by recreational vehicle manufacturers. All of the participating dealers who are not licensed in Missouri shall be licensed as recreational vehicle dealers by the state of their residence."

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 41, Section 340.156, Line 2, by striking the word "or" and insert the word "and".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 1, In the Title, Line 2, by inserting after the number "301.344,"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 1, By inserting after the number "301.344," the number "301.566,";

and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "eight" and inserting in lieu thereof the word "nine"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the number "301.344," the number "301.566,"; and

Further amend said bill, Page 7, Section 301.344, Line 6, by inserting after all of said line the following:

"301.566. **1.** A motor vehicle dealer may participate in any motor vehicle show or sale[,] and conduct sales of motor vehicles [thereat,] away from [his] **the dealer's** usual, licensed place of business if **either the requirements of subsection 2 of this section are met or** the event is conducted for not more than ten days, and if a majority of the motor vehicle dealers within a class of dealers described pursuant to subsection 3 of section 301.550 in a city or town participate **or are invited and have the opportunity to participate** in the event, except that a recreational motor vehicle dealer classified in subdivision (5) of subsection 3 of section 301.550 may participate in such a show or sale even if a majority of recreational motor vehicle dealers in a city or town do not participate in the event. The commission shall consider such events to be proper in all respects and as if each dealer participant was conducting business at [his] **the dealer's** usual business location.

2. Any person, partnership, corporation or association disposing of vehicles used and titled solely in its ordinary course of business as provided in section 301.570 may sell such vehicles away from that person's bona fide established place of business, thus constituting an off-site sale, by adhering to each of the following conditions with regard to each and every off-site sale conducted:

(1) Have in effect a valid license, pursuant to sections 301.550 to 301.575, from the Missouri motor vehicle commission for the sale of used motor vehicles;

(2) No off-site sale may exceed ten days in duration, and only one sale may be held per year, per county, in counties of the third and fourth classification;

(3) Pay to the motor vehicle commission fund, pursuant to section 301.560, a permit fee of two hundred fifty dollars for each off-site sale event;

(4) Advise the Missouri motor vehicle commission, at least ten days prior to the sale, of the date, location and duration of each off-site sale;

(5) The sale of vehicles at off-site sales shall be limited to sales by a seller of vehicles used and titled solely in its ordinary course of business, and such sales shall be held in conjunction with a credit union and limited to members of the credit union, thus constituting a private sale to be advertised to members only;

(6) Off-site sales by a seller of vehicles used and titled solely in its ordinary course of business may also be held in conjunction with other financial institutions provided that any such sale event shall be held on the premises of the financial institution, and sales shall be limited to persons who were customers of the financial institution prior to the date of the sale event. Off-site sales held with such other financial institutions shall be limited to one sale per year per institution;

(7) The sale of motor vehicles which have the designation of the current model year, except discontinued models, is prohibited at off-site sales until subsequent model year designated vehicles of the same manufacture and model are offered for sale to the public."

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 20, Section 304.001, Line 10, by inserting after the word "any" the word "**unattended**".

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 31, Section 304.155, Line 6, by inserting immediately after said line the following:

"7. The Department of Revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. Cost of the forms will be determined by Department of Revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle."; and

Further renumber accordingly.;

Further amend said bill, page 48, section 304.157, line 16, by inserting after said line the following:

"The Department of Revenue may design and make available to police agencies throughout the state a uniform "Authorization to Tow" form. The form shall contain lines for time, date, location, descriptive information of the vehicle, reason for towing, the tow operator and company and signature of authorizing officer. Cost of the forms will be determined by the Department of Revenue. The completed form shall be issued by the authorizing officer to the tow operator for that company's records as proof of authorization to tow a particular vehicle.".

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill 560, Page 35, Section 304.155, Line 15, by inserting immediately after said line the following:

"11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel by having such property towed, then the towing company and the lienholder shall notify the Missouri state highway patrol of such tow within one hour of the tow being made and shall further provide the patrol with any additional information the patrol deems appropriate.".

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, Page 49, Section 304.157, Subsection 3, Line 3, by inserting immediately after line 3, the following:

"The Dept. of Revenue may design & sell to towing companies informational brochures outlining owner or leasees of real property obligations pursuant to this section.".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House request the Senate grant the House a further conference on **SCS** for **HCS** for **HB 1010** and the conferees be allowed to exceed the differences.

PRIVILEGED MOTIONS

Senator Lybyer moved that the Senate grant further conference on **SCS** for **HCS** for **HB 1010**, as amended, and that the conferees be allowed to exceed the differences, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

THIRD READING OF SENATE BILLS

SB 523 was placed on the Informal Calendar.

SB 895, introduced by Senators Kinder and Russell, entitled:

An Act to repeal section 451.020, RSMo 1994, relating to domestic relations, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SB 895** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Flotron	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators

Banks	Clay	Curls	Moseley--4
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Absent--Senators

Goode	Lybyer	Schneider--3
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Kinder, title to the bill was agreed to.

Senator Kinder moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1207, 1288, 1408** and **1409**, with **SCS**, introduced by Representative Tate, entitled:

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Was taken up by Senator Johnson.

SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Was taken up.

Senator Johnson moved that **SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409** be adopted.

Senator Johnson offered **SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Senator Johnson moved that **SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409** be adopted.

Senator Caskey offered **SS for SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

An Act to repeal sections 65.652 and 65.690, RSMo 1994, and section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof seventeen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Senator Caskey moved that **SS for SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409** be adopted.

Senator Howard assumed the Chair.

Senator Rohrbach raised the point of order that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409** is out of order in that the substitute goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem.

At the request of Senator Caskey, **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409** was withdrawn, rendering the point of order moot.

Senator Caskey offered **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof fifteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Senator Caskey moved that **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409** be adopted.

At the request of Senator Johnson, **HS** for **HCS** for **HBs 1207, 1288, 1408** and **1409**, with **SCS**, **SS** for **SCS** and **SS No. 2** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 1237**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 1237**, with **SCS**, introduced by Representative Rizzo, entitled:

An Act to repeal sections 67.641, 67.1000, 135.350, 135.403, 135.405, 137.100, 274.030, 274.220, 274.230, 620.014, 620.158 and 620.1039, RSMo 1994, and sections 71.012, 100.296, 108.510, 135.100, 135.110, 135.207, 135.225, 135.230, 135.245, 135.247, 135.326 and 447.708, RSMo Supp. 1995, and both versions of section 135.400, RSMo Supp. 1995, as enacted in house bill no. 414 and in senate bill no. 445 by the eighty-eighth general assembly, relating to economic development, and to enact in lieu thereof fifty-one new sections relating to the same subject, with an effective date for certain sections.

Was taken up by Senator Maxwell.

SCS for **HS** for **HCS** for **HB 1237**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1237

An Act to repeal sections 32.105, 67.641, 67.1000, 94.875, 135.350, 135.403, 135.405, 274.030, 274.220, 274.230, 620.014, 620.158, 620.1039, 700.010, 700.100 and 700.450, RSMo 1994, and sections 71.012, 100.296, 108.510, 135.100, 135.110, 135.207, 135.225, 135.230, 135.245, 135.247, 135.326, 144.030 and 447.708, RSMo Supp. 1995, and both versions of section 135.400, RSMo Supp. 1995, as enacted in house bill no. 414 and in senate bill no. 445 by the eighty-eighth general assembly, relating to economic development, and to enact in lieu thereof sixty-two new sections relating to the same subject, with an effective date for certain sections.

Was taken up.

Senator Maxwell moved that **SCS** for **HS** for **HCS** for **HB 1237** be adopted.

Senator Maxwell offered **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1237

An Act to repeal sections 32.105, 67.641, 67.1000, 94.875, 100.270, 135.403, 135.405, 148.330, 148.350, 172.273, 274.030, 274.220, 274.230, 338.056, 338.196, 620.158, 620.1039, 700.010, 700.100 and 700.450, RSMo 1994, and sections 32.115, 100.296, 135.110, 135.207, 135.225, 135.230, 135.245, 144.030, 447.708 and 620.482, RSMo Supp. 1995, both versions of section 135.400, RSMo Supp. 1995, as enacted in house bill no. 414 and in senate bill no. 445 by the eighty-eighth general assembly and section 260.831 as enacted by the second regular session of the eighty-eighth general assembly in senate committee substitute for senate bill no. 662 and delivered to the governor on April 22, 1996, relating to economic development, and to enact in lieu thereof seventy new sections relating to the same subject, with an effective date for certain sections and a termination date for a certain section.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1237** be adopted.

Senator Wiggins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 55, Section 172.273, Line 16, by inserting immediately after said line the following:

"253.385. 1. Pursuant to the provisions of section 48 of article III of the Constitution of the state of Missouri, the department of natural resources is hereby authorized to acquire by purchase from funds appropriated or otherwise available to the department or to acquire by gift, the Rice-Tremonti Home at 66th and Blue Ridge Boulevard in Raytown, Missouri, for the establishment of a state historic site as a tribute to Archibald Rice and his family who supplied food and other essentials to pioneers striking out for a new home in the great westward expansion.

2. In acquiring this home, which may include both real and personal property, the department shall make

adequate provisions for the proper care, maintenance and safekeeping of the property so that the home will be a historic reminder of the sacrifices of our forefathers and ensure that the home is to be used and enjoyed by all the citizens of this state.

3. The attorney general shall approve the form of the instrument of conveyance."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted, which motion prevailed.

President Wilson assumed the Chair.

Senator Howard resumed the Chair.

Senator Maxwell offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 24, Section 135.110, Line 25 of said page, by inserting immediately before said line the following:

"135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue producing enterprise in which the taxpayer intends to use the new business facility;

(2) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) "Facility", any building used as a revenue producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "New business facility", a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue producing enterprise, the portion employed by the taxpayer in the operation of a revenue producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue producing enterprise, the

operation of the same or a substantially similar revenue producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (10) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(5) "New business facility employee", a person employed by the taxpayer in the operation of a new business facility during the taxable year for which the credit allowed by section 135.110 is claimed, except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(6) "New business facility income", the Missouri taxable income, as defined in chapter 143, RSMo, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148, RSMo. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, RSMo, or in the case of an insurance company, computed in accordance with chapter 148, RSMo, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32, RSMo;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32, RSMo. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(7) "New business facility investment", the value of real and depreciable tangible personal property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the taxable year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail and barge vehicles and other rolling stock for hire, track, switches, barges, bridges, tunnels and rail yards and spurs shall not constitute new business facility investments. The total value of such property during such taxable year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the taxable year. If the new business facility is in operation for less than an entire taxable year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such taxable year during which the new business facility was in operation by the number of full calendar months during such period;

(8) "Office", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system or a credit card billing and processing center. For the purposes of this subdivision, "headquarters" means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (5) of this section;

(9) "Related taxpayer" shall mean:

(a) A corporation, partnership, trust or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust or association in control of the taxpayer; or

(c) A corporation, partnership, trust or association controlled by an individual, corporation, partnership, trust or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in section 318 of the U.S. Internal Revenue Code;

(10) "Replacement business facility", a facility otherwise described in subdivision (4) of this section, hereafter referred to in this subdivision as "new facility", which replaces another facility, hereafter referred to in this subdivision as "old facility", located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first taxable year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue producing enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225 and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (8) of this section is established by a revenue producing enterprise other than a revenue producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (11) of this section;

(11) "Revenue producing enterprise" means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as [SIC 025] **SICs 01 through 02;**

- (c) Rail transportation terminal activities classified as SIC 4013;
- (d) Motor freight transportation terminal activities classified as SIC 4231;
- (e) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self- storage;
- (f) Water transportation terminal activities classified as SIC 4491;
- (g) Wholesale trade activities classified as SICs 50 and 51;
- (h) Insurance carriers activities classified as SICs 631, 632 and 633;
- (i) Research and development activities classified as SIC 873, except 8733;
- (j) Farm implement dealer activities classified as SIC 5999;
- (k) Interexchange telecommunications services as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;
- (l) Recycling activities classified as SIC 5093;
- (m) Office activities as defined in subdivision (8) of this section, notwithstanding SIC classification;
- (n) Mining activities classified as SICs 10 through 14;
- (o) The administrative management of any of the foregoing activities; or
- (p) Any combination of any of the foregoing activities;
- (12) "Same or substantially similar revenue producing enterprise", a revenue producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed or conducted in the same or similar manner as in another revenue producing enterprise;
- (13) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and Budget;
- (14) "Taxpayer", an individual proprietorship, corporation described in section 143.441 or 143.471, RSMo, and partnership or an insurance company subject to the tax imposed by chapter 148, RSMo."; and

Further amend said bill, page 36, section 135.207, line 25 of said page, by inserting immediately before said line, the following:

"135.200. The following terms, whenever used in sections 135.200 to 135.256, mean:

- (1) "Department", the department of economic development;
- (2) "Director", the director of the department of economic development;
- (3) "Facility", any building used as a revenue producing enterprise located within an enterprise zone, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(5) "New business facility" shall have the meaning defined in section 135.100, except that the term "lease" as used therein shall not include the leasing of property defined in paragraph (d) of subdivision (6) of this section;

(6) "Revenue producing enterprise", means:

(a) Manufacturing activities classified as SICs 20 through 39;

(b) Agricultural activities classified as [SIC 025] **SICs 01 through 02;**

(c) Rail transportation terminal activities classified as SIC 4013;

(d) Renting or leasing of residential property to low and moderate income persons as defined in federal law, 42 U.S.C. 5302(a)(20);

(e) Motor freight transportation terminal activities classified as SIC 4231;

(f) Public warehousing and storage activities classified as SICs 422 and 423 except SIC 4221, miniwarehouse warehousing and warehousing self- storage;

(g) Water transportation terminal activities classified as SIC 4491;

(h) Wholesale trade activities classified as SICs 50 and 51;

(i) Insurance carriers activities classified as SICs 631, 632 and 633;

(j) Research and development activities classified as SIC 873, except 8733;

(k) Farm implement dealer activities classified as SIC 5999;

(l) Employment agency activities classified as SIC 7361;

(m) Computer programming, data processing and other computer related activities classified as SIC 737;

(n) Health service activities classified as SICs 801, 802, 803, 804, 806, 807, 8092 and 8093;

(o) Interexchange telecommunications as defined in subdivision (20) of section 386.020, RSMo, or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020, RSMo;

(p) Recycling activities classified as SIC 5093;

(q) Banking activities classified as SICs 602 and 603;

(r) Office activities as defined in subdivision (8) of section 135.100, notwithstanding SIC classification;

(s) Mining activities classified as SICs 10 through 14;

(t) The administrative management of any of the foregoing activities; or

(u) Any combination of any of the foregoing activities;

(7) "Satellite zone", a noncontiguous addition to an existing state designated enterprise zone;

(8) "SIC", the standard industrial classification as such classifications are defined in the 1987 edition of the Standard Industrial Classification Manual as prepared by the Executive Office of the President, Office of Management and

Budget."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS**, and **SA 2** (pending), was placed on the Informal Calendar.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**, as amended: Senators Lybyer, Wiggins, Goode, Russell and Melton.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS**, and **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 2 was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

Senator Maxwell offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 140, Section 13, Line 27, by striking the period "." and inserting in lieu thereof a semicolon ";" and the following:

"(6) There is at least one other state that the applicant verifies is being considered for the project;

(7) A significant disparity is identified, using best available data in the projected costs for the applicant's project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive program shall include state, local, private and federal funds."; and

Further amend said bill, page 141, section 14, line 15, by striking the period "." and inserting in lieu thereof a semicolon ";" and the following:

"(8) The magnitude of the cost differential between Missouri and the competing state."; and

Further amend said bill, page 142, section 16, line 11, by striking the period "." and inserting in lieu thereof a semicolon ";" and the following:

"(6) A requirement that the taxpayer shall maintain operations at the project location for at least two times the number of years as the term of the tax credit."

Senator Maxwell moved that the above amendment be adopted.

Senator McKenna assumed the Chair.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS**, and **SA 3** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1099**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 1099**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1, 2, 3, 4, SAs 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, 15** to **HCS** for **HB 991** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **HB 781**, as amended: Representatives Stokan, Williams (121), Sears, Whiteside, McClelland.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1010**: Representatives Lumpe, Lakin, Carter, Donovan and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **SCS** for **HCS** for **HB 1010** and has taken up and passed **CCS No. 3** for **SCS** for **HCS** for **HB 1010**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HB 832** and has taken up and passed **CCS** for **HS** for **HB 832**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1013** and has again taken up and passed **SCS** for **HCS** for **HB 1013**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1, SA 1, SA 2** to **HB 905** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1011** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1011**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 1012** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 1012**.

HOUSE BILLS ON THIRD READING

HCS for **HB 1020**, with **SCS**, entitled:

An Act to appropriate money for expenses, grants, equity contributions, debt service retirement, planning, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up by Senator Lybyer.

SCS for **HCS** for **HB 1020**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1020

An Act to appropriate money for expenses, grants, equity contributions, debt service retirement, utility services expansions and extensions, planning, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was taken up.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1020** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 1020, Page 12, Section 20.152, Lines 1-5, by deleting all of said section.

Senator Banks moved that the above amendment be adopted, which motion failed.

Senator Lybyer moved that **SCS** for **HCS** for **HB 1020** be adopted, which motion prevailed.

On motion of Senator Lybyer, **SCS** for **HCS** for **HB 1020** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Banks--1

Absent--Senators--None

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1010**, as amended, submitted the following conference committee report no. 3:

CONFERENCE COMMITTEE REPORT NO. 3 ON HOUSE BILL No. 1010

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, as amended, begs leave to report that we, after open, free and fair discussion of the differences between the Senate and House, have agreed to recommend and do recommend to the respective bodies as follows:

That the House recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1010, as amended, and that the Senate recede from its position on House Committee Substitute for House Bill No. 1010, and Conference Committee Substitute No. 3 for House Bill No. 1010, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Paula J. Carter

/s/ Emory Melton /s/ Laurie Donovan

/s/ John T. Russell /s/ Charlie Shields

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the

following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS NO. 3** for **HB 1010**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 3 FOR HOUSE BILL No. 1010

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1011**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1011

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1011, and that the House recede from its position on House Committee Substitute for House Bill No. 1011, and the Conference Committee Substitute for House Bill No. 1011, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B. Lakin

/s/ Wayne Goode /s/ Charles Q. Troupe

/s/ Emory Melton /s/ Pat Kelley

/s/ John T. Russell /s/ Connie Murray

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

On motion of Senator Lybyer, **CCS** for **HB 1011**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1011

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Lybyer, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 1012**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL No. 1012

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, begs leave to report that we, after open, free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 1012, and that the House recede from its position on House Committee Substitute for House Bill No. 1012, and the Conference Committee Substitute for House Bill No. 1012, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Mike Lybyer /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Scott B.Lakin

/s/ Wayne Goode /s/ Timothy Green

/s/ Emory Melton /s/ Sandra D. Kauffman

/s/ John T. Russell /s/ Ken Legan

Senator Lybyer moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Rohrbach	Schneider	Sims	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Caskey	Klarich	Melton	Mueller
Russell--5			

Absent--Senators--None

Absent with leave--Senators

Scott Singleton--2

On motion of Senator Lybyer, **CCS** for **HB 1012**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL No. 1012

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement System, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, the Committee on Public Employee Retirement, the Committee on Administrative Rules, the Joint Committee on Capital Improvements Oversight and the Joint Committee on Economic Development; and for the expenses of the interim committees established by the General Assembly, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 1996 and ending June 30, 1997.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Rohrbach	Schneider	Sims
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Caskey	Melton	Mueller	Russell--4
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Absent--Senators--None

Absent with leave--Senators

Scott Singleton--2

The President Pro Tem declared the bill passed.

On motion of Senator Lybyer, title to the bill was agreed to.

Senator Lybyer moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Wiggins resumed the Chair.

PRIVILEGED MOTIONS

Senator Moseley moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator DePasco moved that the Senate refuse to recede from its position on **SCA 1**, **SA 1** and **SA 2** to **HB 905** and grant the House a conference thereon, which motion prevailed.

BILL REFERRALS

President Pro Tem Mathewson referred **HS** for **HCS** for **HB 1172**, with **SCS**, to the Committee on State Budget Control.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HB 905**, as amended: Senators DePasco, Quick, McKenna, Treppler and Russell.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended: Senators Moseley, Caskey, Johnson, Westfall and Klarich.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 781**, as amended: Senators House, Flotron, Caskey, Bentley and Mathewson.

HOUSE BILLS ON THIRD READING

HB 809, with **SCA 1**, was placed on the Informal Calendar.

HB 979, with **SCA 1**, introduced by Representative Crump, entitled:

An Act to amend chapters 140 and 141, RSMo, by adding thereto one new section to each such chapter for the purpose of preserving valid covenants and easements upon real property after certain sales of land.

Was taken up by Senator McKenna.

SCA 1 was taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Quick assumed the Chair.

On motion of Senator McKenna, **HB 979**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Sims
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Clay	Lybyer	Moseley	Schneider
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Staples--5

Absent with leave--Senators

Scott	Singleton--2
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Senator Johnson assumed the Chair.

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for HBs 1376 and 1501, with SCS, entitled:

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo 1994, relating to special education due-process hearings, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up by Senator Bentley.

SCS for HCS for HBs 1376 and 1501, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1376 and 1501

An Act to repeal sections 162.955, 162.961 and 162.963, RSMo 1994, relating to special education due- process hearings, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS for HCS for HBs 1376 and 1501** be adopted.

Senator Klarich offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1376 and 1501, Page 1, Section 162.958, Line 1, by inserting immediately after "162.958." the following: "**1.**"; and

Further amend said section, page 2, line 3, by inserting immediately after said line, the following:

"2. In due process hearings, other than when the special school district is a party, mediation and all other aspects of its operation, the special school district shall serve as an advocate for handicapped and severely handicapped children resident in the special school district."

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

Senator Bentley moved that **SCS** for **HCS** for **HBs 1376** and **1501** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **HCS** for **HBs 1376** and **1501** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Klarich	Lybyer	Mathewson
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Ehlmann	Kinder	Maxwell	Staples--4
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

On motion of Senator Banks, the Senate recessed for 20 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

HOUSE BILLS ON THIRD READING

HS for **HB 1368**, with **SCS**, introduced by Representative May (108), entitled:

An Act to repeal sections 288.050, 288.070, 288.100, 288.110, 288.113, 288.130, 288.140, 288.160, 288.190, 288.200, 288.380 and 347.187, RSMo 1994, and sections 288.030, 288.032, 288.036, 288.040, 288.114, 351.488 and 358.150, RSMo Supp. 1995, relating to streamlining of employment security programs, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date for certain sections.

Was taken up by Senator McKenna.

SCS for **HS** for **HB 1368**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1368

An Act to repeal sections 288.050, 288.070, 288.100, 288.110, 288.113, 288.130, 288.140, 288.160, 288.190, 288.200, 288.380, 347.015 and 347.187, RSMo 1994, and sections 288.030, 288.032, 288.036, 288.114, 351.488 and 358.150, RSMo Supp. 1995, relating to streamlining of employment security programs, and to enact in lieu thereof eighteen new sections relating to the same subject, with an effective date for a certain section.

Was taken up.

Senator McKenna moved that **SCS** for **HS** for **HB 1368** be adopted.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Pages 22-25, Section 288.110, Lines 1-106, by removing all of said section from the bill; and also Section B, Page 43, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Page 1, In the Title, Line 3, by inserting after the figure "288.380" the following: ", 327.401"; and

Further amend said bill, Page 1, In the Title, Lines 5-6, by deleting all of said lines and inserting in lieu thereof the following: "and 358.150, RSMo Supp. 1995, relating to regulation of businesses, and to enact in lieu thereof nineteen"; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after the figure "288.380" the following: ", 327.401"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "eighteen" and inserting in lieu thereof the following: "nineteen"; and

Further amend said bill, Page 1, Section A, Line 7, by inserting after the figure "288.380," the following: "327.401," and

Further amend said bill, Page 38, Section 288.380, Line 236, by inserting after all of said line the following:

"327.401. 1. The right to engage in the practice of architecture or to practice as a professional engineer or to practice as a land surveyor shall be deemed a personal right, based upon the qualifications of the individual, evidenced by his **or her** certificate of registration and shall not be transferable; but any registered architect or any registered professional engineer or any registered land surveyor may practice his **or her** profession through the medium of, or as a member or as an employee of, a partnership or corporation if the plans, specifications, estimates, plats, reports, surveys or other like documents or instruments of the partnership or corporation are signed and stamped with the personal seal of the registered architect or registered professional engineer or registered land surveyor by whom or under whose personal direction the same were prepared and that the registered architect or registered engineer or registered land surveyor who affixes his **or her** signature and personal seal to any such plans, specifications, estimates, plats, reports or other documents or instruments shall be personally and professionally responsible therefor.

2. Any domestic corporation formed under the [general and business corporation law or under the professional] corporation law of this state, or any foreign corporation, now or hereafter organized and having as one of its purposes the practicing of architecture or professional engineering or land surveying and any existing corporation which amends its charter to propose to practice architecture or professional engineering or land surveying shall obtain a certificate of authority for each profession named in the articles of incorporation **or articles of organization** from the board which shall be renewed in accordance with the provisions of section 327.171 or 327.261 or 327.351, as the case may be, and from and after the date of such certificate of authority and while the authority or a renewal thereof is in effect, may offer and render architectural or professional engineering or land surveying services in this state if:

(1) At all times during the authorization or any renewal thereof the directors of the corporation shall have assigned responsibility for the proper conduct of all its architectural or professional engineering or land surveying activities in this state to an architect registered and authorized to practice architecture in this state or to a professional engineer registered and authorized to practice engineering in this state or to a land surveyor registered and authorized to practice land surveying in this state, as the case may be; and

(2) The person or persons who is or are personally in charge and supervises or supervise the architectural or professional engineering or land surveying activities, as the case may be, of any such corporation in this state shall be registered and authorized to practice architecture or professional engineering or land surveying, as the case may be, as provided in this chapter; and

(3) The corporation pays such fees for the certificate of authority, renewals or reinstatements thereof as are required.

3. As used in this section, the term "corporation" means any general business corporation, or limited liability company."

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Page 43, Section 358.150, Line 41, by inserting immediately after said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, insurance companies providing coverage pursuant to chapter 287, RSMo, shall provide the option for a limited liability company, as defined in subdivision (10) of section 347.015, to insure employees other than members and other persons in an ownership capacity, and also shall provide the option to insure employees, members and other persons in an ownership capacity."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Page 30, Section 288.190, Line 63, by inserting after all of said line the following:

"5. Any party subject to any decision of an appeals tribunal pursuant to this chapter has a right to counsel and shall be notified prior to a hearing conducted pursuant to this chapter that a decision of the appeals tribunal is presumptively conclusive for the purposes of this chapter."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SCS** for **HS** for **HB 1368**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HS** for **HB 1368** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Clay	Curls	Kinder	Moseley
Staples--5			

Absent with leave--Senators

Scott	Singleton--2
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The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1362, with **SCS**, introduced by Representative Evans, et al, entitled:

An Act to repeal sections 197.305 and 344.030, RSMo 1994, relating to nursing facilities, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up by Senator Flotron.

SCS for **HB 1362**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1362

An Act to repeal sections 197.300, 197.305, 197.310, 197.317 and 334.030, RSMo 1994, sections 197.312 and 197.316, RSMo Supp. 1995, and section 197.318, as truly agreed to and finally passed in house committee substitute for senate bill no. 575, second regular session of the 88th general assembly and signed by the governor on February 20, 1996, relating to nursing facilities and the Missouri health certificate of need law, and to enact nine new sections relating to the same subject, with penalty provisions and an emergency clause.

Senator Flotron moved that **SCS** for **HB 1362** be adopted.

Senator Flotron offered **SS** for **SCS** for **HB 1362**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1362

An Act to repeal sections 197.300, 197.305, 197.317 and 334.030, RSMo 1994, section 197.312, RSMo Supp. 1995, and section 197.318, as truly agreed to and finally passed in house committee substitute for senate bill no. 575, second regular session of the 88th general assembly and signed by the governor on February 20, 1996, relating to the Missouri health certificate of need law, and to enact seven new sections relating to the same subject, with penalty provisions and an emergency clause.

Senator Flotron moved that **SS** for **SCS** for **HB 1362** be adopted.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1362, Page 7, Section 197.317, Line 18, by removing the brackets around 1998 and remove **1999**; and

Further on line 23, delete brackets around 1999 and remove **2000**; and

Further on page 9 line 19 delete brackets around 1998 and delete **1999**.

Senator Sims moved that the above amendment be adopted.

At the request of Senator Flotron, **HB 1362**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 811** and has taken up and passed **CCS** for **HB 811**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended: Representatives McLuckie, Kelly (27), May, McClelland, Ostmann.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HB 905**, as amended: Representatives Rizzo, Troupe, Scheve, Kelly (47), Ross.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 676** and has taken up and passed **SB 676** as amended by the Conference Committee Report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 1020** and has again taken up and passed **SCS** for **HCS** for **HB 1020**.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1398, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Stanley Pence, Lee's Summit, which was adopted.

Senator Mathewson offered Senate Resolution No. 1399, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Lee Steele, Sedalia, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, Mrs. Long and fourth grade students from Harrisburg; and Chelsea Turner, Ashley Grunder, Josh Oppenlander and Justin McBee were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Monday, May 13, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SECOND DAY--MONDAY, MAY 13, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, we enter the last week of this session knowing that there will be an abundance of activity, a volume of words and several major differences. Remind us each day that we are friends, that we all love our state, and that we all want what is best for the people. Help us to be at our best. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Friday, May 10, 1996, was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Ehlmann offered the following resolution, which was referred to the Committee on Rules, Joint Rules and

Resolutions:

SENATE RESOLUTION NO. 1400

WHEREAS, Article I, Section 2 of the Missouri Constitution states that "all persons are created equal and are entitled to equal rights and opportunity under the law"; and

WHEREAS, the Fourteenth Amendment to the United States Constitution states that no state "shall deny to any person within its jurisdiction the equal protection of the laws"; and

WHEREAS, in *University of California Regents vs Bakke*, 98 S. Ct. 2733, 2748 (1978), the United States Supreme Court stated that "the guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color. If both are not accorded the same protection, then it is not equal"; and

WHEREAS, in *City of Richmond vs J.A. Croson Co.*, 109 S. Ct. 706, 724 (1989), the United States Supreme Court stated that:

While there is no doubt that the sorry history of both private and public discrimination in this country has contributed to a lack of opportunities for black entrepreneurs, this observation, standing alone, cannot justify a rigid racial quota in the awarding of public contracts in Richmond, Virginia. Like the claim that discrimination in primary and secondary schooling justifies a rigid racial preference in medical school admissions, an amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota; and

WHEREAS, in *Adarand Construction, Inc. vs Pena*, 115 S. Ct. 2097, 2113 (1995), the United States Supreme Court stated that:

Accordingly, we hold today that all racial classifications, imposed by whatever federal, state, or local governmental actor, must be analyzed by a reviewing court under strict scrutiny. In other words, such classifications are constitutional only if they are narrowly tailored measures that further compelling governmental interests; and

WHEREAS, in *Hopwood vs. Texas*, 78 F.3d 932, 962 (1996), the United States Court of Appeals, Fifth Circuit, stated that:

In summary we hold that the University of Texas School of Law may not use race as a factor in deciding which applicants to admit in order to achieve a diverse student body, to combat the perceived effects of a hostile environment at the law school, to alleviate the law school's poor reputation in the minority community, or to eliminate any present effects of past discrimination by actors other than the law school; and

WHEREAS, Article XIII of Executive Order 94-03, issued by Governor Mel Carnahan on January 1, 1994, states that:

The state shall work toward a goal that at least five (5%) percent of the contracts awarded by departments in the executive branch to for-profit businesses and five (5%) percent of the contracts awarded to not-for-profit businesses shall be to minority-owned or controlled enterprises. With the assistance of the Minority Business Advocacy Commission and the Division of Purchasing, each department shall develop a plan to pursue this goal or its own higher goal through training, education, communication and recruitment efforts aimed at such businesses and shall submit such plan to the Governor and the Commissioner of Administration by July 1, 1994; and

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, 88th General Assembly, that there is hereby created a bipartisan "Commission on Equal Opportunity" which shall be composed of four members of the majority party and three members of the minority party to be appointed by the President Pro Tem of the Senate; and

BE IT FURTHER RESOLVED that the Commission on Equal Opportunity be directed to: 1) study all Missouri laws, orders of rulemaking, executive orders, and other official statements of general applicability which use race, sex, color, ethnicity or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group of persons in the State's system of public employment, public education or public contracting; 2) study all relevant and applicable Federal and State laws, rules, regulations and caselaw which impact the use of race, sex, color, ethnicity, or national origin as a criterion for either discriminating against, or granting preferential treatment to, any individual or group of persons in the State's system of public employment, public education or public contracting; 3) conduct any additional studies which are necessary to further the intent of this Resolution; and 4) study ways in which to bring all such Missouri laws, orders of rulemaking, executive orders, and other official statements of general applicability in compliance with all such relevant and applicable Federal and State laws, rules, regulations and caselaw; and BE IT FURTHER RESOLVED that the Commission on Equal Opportunity be authorized to hold hearings within the State, as it deems advisable, with members of the committee to receive reimbursement only for their actual and necessary expenses incurred in the course of their committee service, from the contingent fund of the Senate; and

BE IT FURTHER RESOLVED that the members of the Senate Research staff and the Senate Appropriations staff be utilized to provide necessary clerical, research, legal and fiscal services for the Commission on Equal Opportunity with travel expense for the staff members to be paid from appropriation made for their staffs; and

BE IT FURTHER RESOLVED that the Commission on Equal Opportunity present a final report regarding its activities and recommendations to the Senate in January, 1997.

Senator Lybyer offered Senate Resolution No. 1401, regarding the Ninetieth Birthday of Mrs. Mildred Phillips Leaver, Rolla, which was adopted.

Senator Lybyer offered Senate Resolution No. 1402, regarding the University of Missouri-Rolla Miners Basketball Team, which was adopted.

Senator Maxwell offered Senate Resolution No. 1403, regarding the One Hundredth Birthday of Tina Mae Garrett, Scotland County, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **CCS No. 4 for HCS for SS for SB 687**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS No. 4 for HCS for SS for SB 687**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate refuse to recede from its position on **SCAs 1, 2, 3 and 4** and **SAs 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14 and 15** to **HCS for HB 991** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on **HS for HB 832**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 832

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Bill No. 832; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Bill No. 832;
2. That the Senate recede from its position on House Substitute for House Bill No. 832, with Senate Amendments Nos. 1 and 2;
3. That the attached Conference Committee Substitute for House Substitute for House Bill No. 832 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ronnie DePasco /s/ Jim Montgomery

/s/ Bill McKenna /s/ Jim Pauley

/s/ Danny Staples /s/ Bill Luetkenhaus

/s/ Irene Treppler /s/ Mark Richardson

/s/ Roseann Bentley /s/ Ed Hartzler

Senator Quick assumed the Chair.

Senator DePasco moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	House	Staples--3
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Absent with leave--Senator Scott--1

On motion of Senator DePasco, **CCS** for **HS** for **HB 832**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 832

An Act to repeal section 313.835, RSMo 1994, relating to certain veterans' cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	House	Staples--3
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Absent with leave--Senators

Scott--1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Moseley, on behalf of the conference committee appointed to act with a like committee from the House on **HB 811**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 811

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Bill No. 811, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 811;
2. That the Senate recede from its position on House Bill No. 811, with Senate Amendment No. 1, Senate Substitute Amendment No. 1 for Senate Amendment No. 3, Senate Substitute Amendment No. 1 for Senate Amendment No. 4, and Senate Amendment No. 5 for House Bill No. 811;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Moseley /s/ Phil Smith

/s/ J. B. Banks /s/ Glenda Kelly
/s/ Betty Sims /s/ Cindy Ostmann
/s/ Harry Wiggins /s/ Patrick Naeger
/s/ Marvin Singleton /s/ Scott B. Lakin

Senator Moseley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Sims
Singleton	Treppler	Westfall	Wiggins--28

Nays--Senators

Rohrbach	Russell--2
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Absent--Senators

Clay	Schneider	Staples--3
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Absent with leave--Senator Scott--1

On motion of Senator Moseley, **CCS** for **HB 811**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 811

An Act to repeal sections 58.451, 58.720, 194.220 and 194.233, RSMo 1994, and section 194.240, RSMo Supp. 1995, relating to anatomical gifts and duties of coroners, and to enact in lieu thereof five new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson

Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

Clay	Schneider	Staples--3
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Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

HCS for **HBs 1159, 842 and 799**, entitled:

An Act to repeal sections 313.010, 313.020, 313.040, 313.055 and 313.057, RSMo 1994, relating to bingo, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator McKenna.

Senator McKenna offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 2, Section 313.010, Line 12, by inserting immediately after the word "dollars" the following: "**per event**"; and further on line 14, by striking all of said line and inserting in lieu thereof the following: "**occasions annually.**"; and further on line 15, by striking all of said line; and further on said line 16, by striking the following: "dollars."; and further on line 21, by striking "subdivision (11)" and inserting in lieu thereof the following: "**subdivisions (11) and (14)**"; and

Further amend said bill, page 4, section 313.040, line 37, by striking "six months" and inserting in lieu thereof the following: "**one year**"; and

Further amend said bill, page 8, section 313.057, line 56, by inserting immediately after the word "supplier," the following: "**if timely filed and paid,**"; and

Further amend said page, section 1, line 5, by striking the word "game" and inserting in lieu thereof the word "**occasion**".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

President Pro Tem Mathewson resumed the Chair.

Senator Lybyer offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 8, Section 313.057, Line 66, by inserting immediately after said line the following:

"313.842. There may be established an outpatient center which shall provide services for compulsive gamblers and their families in any city or county that licenses excursion gambling boats. As used in this section, "compulsive gambler" means a person who is chronically and progressively preoccupied with gambling and the urge to gamble. Such centers may be funded from the taxes collected and distributed to the city or county establishing the center under section 313.822. Such moneys shall be submitted to the state and credited to the "Compulsive Gamblers Fund", which is hereby established within the department of mental health. **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.** The department of mental health shall administer all programs, either directly or by contract, for compulsive gamblers. Any such person or family of such person requesting services for compulsive gambling from the outpatient center must prove by a preponderance of the evidence that his or her chronic and preoccupation with gambling and the urge to gamble was exacerbated by this proposed legislation establishing riverboat gambling in this state."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Bentley offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 8, Section 1, Line 5, by adding the following:

"After the effective date of this act, any ballot measure, pertaining to chapter 313, RSMo, approved by the voters, whether by initiative or referendum, shall be resubmitted to the same voters for approval if, amended or repealed at anytime by the General Assembly following initial voter approval of the state-wide ballot measure. No statute so amended or repealed by the general assembly shall take effect until the voters have by affirmative vote approved the amendments made by the General Assembly.".

Senator Bentley moved that the above amendment be adopted.

At the request of Senator Bentley, **SA 3** was withdrawn.

Senator Moseley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 2, Section 313.010, Line 21, by inserting immediately thereafter the following:

"313.015. **1.** The commission shall issue a license for the conducting of bingo to any bona fide religious, charitable, fraternal, veteran or service organization or to any combination of eligible organizations, not to exceed five, which submits an application on a form prescribed by the director and which satisfies the director that such organization meets all of the requirements of sections 313.005 to 313.080. **The burden of proof is at all times on the applicant to demonstrate by clear and convincing evidence its suitability to be licensed.** Each license so issued shall expire at

midnight one year from its date of issuance[, except that all licenses which are issued and in good standing on the June 28, 1994, shall remain valid until a new license is issued by the commission or until the current license is suspended or revoked by the commission pursuant to the provisions of section 313.070; however, all such licenses must be renewed, suspended or revoked within one year of June 28, 1994]. **The commission, in its sole discretion, may reopen licensure hearings for any licensee at any time.**

2. An applicant may hold only one license and that license may not be transferred or assigned to any other organization other than the organization named in the license. Each licensed organization shall pay to the director an annual, **nonrefundable license** fee of fifty dollars; provided, however, each licensed organization which awards to winners of bingo games prizes or merchandise having an aggregate retail value of five thousand dollars or less annually and less than one hundred dollars in any single day shall pay to the director an annual fee of ten dollars to be paid into the state treasury to the credit of the gaming commission bingo fund. The director may, upon application made by a county fair organization or by an organization qualified to receive a regular license, issue a special license authorizing such organization to conduct bingo for the period of any fair, picnic, festival or celebration conducted by such qualified organization not exceeding one week and which is held not more than once annually, and a special licensee shall be exempt from the provisions of subdivisions (7) and (11) of section 313.040. Each organization receiving a special license shall pay to the director a fee of twenty-five dollars, to be paid into the state treasury to the credit of the gaming commission bingo fund.

3. **Any organization that obtains more than three special bingo licenses during any calendar year shall be required to file an annual report as required in section 313.045."**; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 5, Section 313.040, Line 65, by deleting following the word "prize" all of the remaining line and including line 66 to including all words including the comma ",".

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

On motion of Senator McKenna, **HCS for HBs 1159, 842 and 799**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Clay	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kinder	Lybyer
Mathewson	McKenna	Moseley	Quick
Schneider	Scott	Sims	Staples
Treppler	Wiggins--22		
Nays--Senators			
Bentley	Caskey	House	Kenney

Klarich	Maxwell	Melton	Mueller
Rohrbach	Russell	Singleton	Westfall--12

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

RESOLUTIONS

Senators Schneider and McKenna offered Senate Resolution No. 1404, regarding Mr. and Mrs. Bill Stobbs, Kirkwood, which was adopted.

Senator Scott offered Senate Resolution No. 1405, regarding Jennifer Yawitz Phelps, which was adopted.

Senator Scott offered Senate Resolution No. 1406, regarding Edna Staples, Eminence, which was adopted.

Senator Kenney offered Senate Resolution No. 1407, regarding the fourth grade classes of Spring Branch Elementary School, which was adopted.

On motion of Senator Banks, the Senate recessed until 1:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

BILLS DELIVERED TO THE GOVERNOR

CCS No. 4 for **HCS** for **SS** for **SB 687**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 1408, regarding Dorothy Northrup, Odessa, which was adopted.

Senator Mathewson offered Senate Resolution No. 1409, regarding Elaine Marsh, Concordia, which was adopted.

Senator Mathewson offered Senate Resolution No. 1410, regarding Dahlman J. Davis, Odessa, which was adopted.

Senator Mathewson offered Senate Resolution No. 1411, regarding Delmar Feeler, Odessa, which was adopted.

Senator Mathewson offered Senate Resolution No. 1412, regarding David John Lundquist, Odessa, which was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1, SA 2** to **HB 773** and has again taken up and passed **HB 773**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HBs 1376** and **1501** and has again taken up and passed **SCS** for **HCS** for **HBs 1376** and **1501**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 974** and has taken up and passed **CCS** for **SS** for **SCS** for **HB 974**.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 560**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HB 1172**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Staples moved that **SB 780**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 780**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 780

An Act to repeal sections 386.020, 386.110, 386.210, 386.255, 386.310, 386.320, 386.330, 386.340, 386.350, 386.370, 386.410, 387.010, 387.020, 387.030, 387.040, 387.050, 387.060, 387.070, 387.080, 387.090, 387.100, 387.110, 387.111, 387.120, 387.130, 387.140, 387.150, 387.160, 387.170, 387.180, 387.190, 387.200, 387.210, 387.220, 387.230, 387.240, 387.250, 387.260, 387.270, 387.280, 387.290, 387.300, 387.310, 387.320, 387.330, 387.340, 387.350, 387.360, 387.370, 387.380, 387.390, 387.400, 389.610, 390.150, 508.070 and 622.010, RSMo 1994, relating to transportation regulation, and to enact in lieu thereof ninety-seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Staples moved that **HCS** for **SB 780**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
House	Howard	Johnson	Klarich

Lybyer	Mathewson	Maxwell	McKenna
Moseley	Mueller	Quick	Scott
Sims	Staples	Treppler	Westfall
Wiggins--25			

Nays--Senators

Goode	Kenney	Kinder	Melton
Rohrbach	Russell	Singleton--7	

Absent--Senators

Graves	Schneider--2
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Absent with leave--Senators--None

On motion of Senator Staples, **HCS** for **SB 780**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	House	Howard	Johnson
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Mueller	Quick
Russell	Schneider	Scott	Sims
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Graves	Kenney	Kinder	Melton
Rohrbach	Singleton--6		

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Johnson moved that **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, with **SCS**, **SS** for **SCS** and **SS No. 2** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409** was again taken up.

At the request of Senator Caskey, **SS No. 2** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409** was withdrawn.

SS for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409** was again taken up.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, Page 3, Section 640.700, Line 8 of said page, by striking the semicolon ";" and inserting in lieu thereof a period "."; and further amend lines 9-19, by striking all of said lines; and

Further amend said bill, pages 3-4, section 640.705, by striking all of said section; and

Further amend said bill, page 8, section 640.730, lines 17-18 of said page, by striking the following: "and any other waste material storage facility"; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Caskey offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, Page 3, Section 640.703, Lines 10-13 and 18-19, by deleting said lines.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1** to **SA 1** was withdrawn.

Senator Caskey offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, page 3, Section 640.703, Line 8 of said page, by striking the semicolon ";" and inserting in lieu thereof a period "."; and further amend lines 9-14, by striking all of line 9 after "Sensitive areas," and all of lines 10-13 and "(c)" on line 14, and further strike "; and" on line 17 and lines 18-19; and

Further amend said bill, pages 3-4, section 640.705, by striking all of said section; and

Further amend said bill, page 8, section 640.730, lines 17-18 of said page, by striking the following: "and any other waste material storage facility"; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, Page 1, Section A, Line 5, by inserting immediately after said line the following:

"65.652. Such township planning commission shall consist of the township trustee, the commissioner of the county commission who represents the township, one member of the township board selected by the township board, and one resident [freeholder] appointed by the township board from the unincorporated part of the township for a term of four years or until his successor takes office. The terms of all other members shall be only for the duration of their tenure of official position. All members of the township planning commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses, for not to exceed two meetings per month, may be paid to the [freeholder] **resident** member of the planning commission in an amount, as set by the township board, not to exceed fifteen dollars for each meeting. The planning commission shall elect its chairman who shall serve for one year.

65.690. 1. Any township board which appointed a township planning or township zoning commission and which has adopted a zoning plan, as provided in sections 65.650 to 65.700, shall appoint a township board of zoning adjustment. The board shall consist of five [freeholders] **residents**, not more than one of whom may be a member of the township planning commission or the township zoning commission. The membership of the first board appointed shall serve respectively: one for one year, one for two years, one for three years, two for four years. Thereafter, members shall be appointed for terms of four years each. Members shall be removable for cause by the township board upon written charges and after public hearings. Vacancies shall be filled by the township board for the unexpired term of any member whose term becomes vacant. Members of the board shall serve without compensation, but may be reimbursed for expenses incurred for attendance at not more than four meetings per year in an amount to be set by the township board, not to exceed ten dollars per meeting. The board of zoning adjustment shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of the zoning regulations and the provisions of sections 65.650 to 65.700. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of zoning adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public record. Appeals to the board of zoning adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a township zoning rule. Such appeals shall be taken within a period of not more than three months, and in the manner provided by the rules stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. The board of adjustment shall have the following powers and it shall be its duty:

(1) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the township zoning regulations;

(2) To hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the township board as herein provided;

(3) Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 65.650 to 65.700 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue

hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

2. In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment may appeal to the township board for review. Any person aggrieved by a decision of the township board may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition, the court shall allow a writ of certiorari directed to the board of adjustment or the township board, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Graves offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, Page 2, Section 640.703, Line 24, by inserting immediately after said line, the following:

"(1) "Animal units", shall be defined by rules of the department in effect as of January 30, 1996;"; and

Further amend said section, Page 3, Line 2, by inserting immediately after said line, the following:

"(2) "Class IA", any operation with a capacity in excess of seven thousand animal units;

(3) "Class IB", any operation with a capacity of four thousand animal units to six thousand nine hundred and ninety-nine animal units;

(4) "Class IIA", any operation with a capacity of at least one thousand animal units to three thousand nine hundred and ninety-nine animal units;

(5) "Class IIB", any operation with a capacity of at least three hundred animal units to nine hundred ninety-nine animal units;"; and

Further amend said section, by numbering all subdivisions correctly.

Senator Graves moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for

House Bills Nos. 1207, 1288, 1408 and 1409, Page 6, Section 640.715, Line 15, by inserting immediately after "information" the following: **"to the county governing body and"**.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed.

Senator Lybyer offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, Page 4, Section 640.705, Line 11 of said page, by deleting the word "and" on said line; and further on line 18 of said page, by deleting the period "." and inserting in lieu thereof **"; and**

(4) The provisions of this section shall terminate three years after the effective date of this section."

Senator Lybyer moved that the above amendment be adopted, which motion prevailed.

Senator Johnson moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator Bentley--1

Absent--Senator Clay--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 664**.

With House Amendments Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 3, House Amendment No. 3, as amended, and House Amendment No. 4.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 664, Page 3, Section 381.412, Line 1, by deleting all of said line and inserting in lieu of the following: "**381.412. 1. A**"; and

Further amend said bill, page 3, section 381.412, line 3, by deleting the word one and substituting in lieu thereof the following: "**two**".

HOUSE AMENDMENT NO. 2

Amend Senate Bill No. 664, Page 4, Section 381.412, Line 36, by inserting after all of said line the following:

"Section 1. 1. When required, an inspection for evidence of wood destroying insects in real estate transactions shall be performed by a certified commercial applicator or by a person working under the direct supervision of a certified commercial applicator, licensed to perform termite pest control pursuant to chapter 281, RSMo.

2. No person shall hold himself or herself out as an inspector for evidence of wood destroying insects in real estate transactions unless such person is a certified commercial applicator or a person working under the direct supervision of a certified commercial applicator, licensed to perform termite pest control pursuant to chapter

281, RSMo. Any person who violates the provisions of this section shall be subject to a fine of not less than two hundred fifty dollars but not more than five hundred dollars."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 3

Amend House Amendment No. 3 to Senate Bill No. 664, Page 9, Section 13, Line 25, by deleting lines 25 through 28, and inserting the following:

"14. The Fiduciary Responsibilities of an agent to a principal are as provided in sections 1-16 of this act. However, the common law shall supersede with respect to agent liability for negligence, fraud, misrepresentation, or breach of contract."

HOUSE AMENDMENT NO. 3

Amend Senate Bill No. 664, Page 4, Section 381.412, by inserting after said section, the following:

"Section 1. For purposes of sections 1 to 16 of this act, the following terms mean:

(1) "Adverse material fact", a fact related to the physical condition of the property not reasonably ascertainable or known to a party which affects the value of the property;

(2) "Affiliated licensee", any broker or salesperson who works under the supervision of a designated broker;

(3) "Agent", a person or entity acting under the provisions of chapter 339, RSMo;

(4) "Broker disclosure form", the current form prescribed by the commission for presentation to a seller, landlord, buyer or tenant who has not entered into a written agreement for brokerage services;

(5) "Brokerage relationship", the relationship created between a designated broker, the broker's affiliated licensees, and a client relating to the performance of services of a broker as defined in section 339.010, RSMo, and sections 1 to 16 of this act;

(6) "Client", a seller, landlord, buyer, or tenant who has entered into a brokerage relationship with a licensee pursuant to sections 1 to 16 of this act;

(7) "Commission", the Missouri real estate commission;

(8) "Confidential information", information made confidential by sections 1 to 16 of this act or any other statute or regulation, or written instructions from the client unless the information is made public or becomes public by the words or conduct of the client to whom the information pertains or by a source other than the licensee;

(9) "Customer", a seller, landlord, buyer, or tenant in a real estate transaction in which a licensee is involved but who has not entered into a brokerage relationship with a licensee;

(10) "Designated agent", a licensee named by a designated broker as the limited agent of a client as provided for in section 12 of this act;

(11) "Designated broker", the individual licensed as a broker who is appointed by a partnership, association, limited liability corporation, or a corporation engaged in the real estate brokerage business to be responsible for the acts of the partnership, association, limited liability corporation, or corporation. Every real estate partnership, association, or limited liability corporation, or corporation shall appoint a designated broker;

(12) "Dual agent", a limited agent who, with the written consent of all parties to a contemplated real estate transaction, has entered into a brokerage relationship with and therefore represents both the seller and buyer or both the landlord and tenant;

(13) "Licensee", a real estate broker or salesperson as defined in section 339.010, RSMo;

(14) "Limited agent", a licensee whose duties and obligations to a client are those set forth in sections 3 to 5 of this act;

(15) "Ministerial acts", those acts that a licensee may perform for a person that are informative in nature and do not rise to the level of active representation on behalf of a person. Examples of these acts include, but are not limited to:

(a) Responding to telephone inquiries by consumers as to the availability and pricing of brokerage services;

(b) Responding to telephone inquiries from a person concerning the price or location of property;

(c) Attending an open house and responding to questions about the property from a consumer;

(d) Setting an appointment to view property;

(e) Responding to questions of consumers walking into a licensee's office concerning brokerage services offered on particular properties;

(f) Accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property;

(g) Describing a property or the property's condition in response to a person's inquiry;

(h) Showing a customer through a property being sold by an owner on his or her own behalf; or

(i) Referral to another broker or service provider;

(16) "Single agent", a licensee who has entered into a brokerage relationship with and therefore represents only one party in a real estate transaction. A single agent may be one of the following:

(a) "Buyer's agent", which shall mean a licensee who represents the buyer in a real estate transaction;

(b) "Seller's agent", which shall mean a licensee who represents the seller in a real estate transaction; and

(c) "Landlord's agent", which shall mean a licensee who represents a landlord in a leasing transaction;

(d) "Tenant's agent", which shall mean a licensee who represents the tenant in a leasing transaction;

(17) "Subagent", a designated broker, together with the broker's appointed agents, engaged by another designated broker to act as a limited agent for a client. A subagent owes the same obligations and responsibilities to the client pursuant to section 3 or 4 of this act as does the client's designated broker.

Section 2. 1. A licensee's general duties and obligations arising from the limited agency relationship shall be disclosed in writing to the seller and the buyer or to the landlord and the tenant pursuant to sections 6 to 8 of this act. Alternatively, when engaged in any of the activities enumerated in section 339.010, RSMo, a licensee may act as an agent in any transaction in accordance with a written agreement as described in section 8 of this act.

2. A licensee shall be considered a buyer's or tenant's limited agent unless:

(1) The designated broker enters into a written seller's agent or landlord's agent agreement with the party to

be represented pursuant to subsection 2 of section 8 of this act;

(2) The designated broker enters into a subagency agreement with another designated broker pursuant to subsection 5 of section 8 of this act;

(3) The designated broker enters into a written agency agreement pursuant to subsection 6 of section 8 of this act; or

(4) The designated broker is performing ministerial acts.

3. Sections 1 to 16 of this act do not obligate any buyer or tenant to pay compensation to a designated broker unless the buyer or tenant has entered into a written agreement with the designated broker specifying the compensation terms in accordance with subsection 3 of section 8 of this act.

4. A licensee may work with a single party in separate transactions pursuant to different relationships, including, but not limited to, selling one property as a seller's agent and working with that seller in buying another property as a buyer's agent or as a subagent if the licensee complies with sections 1 to 16 of this act in establishing the relationships for each transaction.

Section 3. 1. A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations:

(1) To perform the terms of the written agreement made with the client;

(2) To exercise reasonable skill and care for the client;

(3) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including:

(a) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract for sale or to seek additional offers to lease the property while the property is subject to a lease or letter of intent to lease;

(b) Presenting all written offers to and from the client in a timely manner regardless of whether the property is subject to a contract for sale or lease or a letter of intent to lease;

(c) Disclosing to the client all adverse material facts actually known or that should have been known by the licensee; and

(d) Advising the client to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee;

(4) To account in a timely manner for all money and property received;

(5) To comply with all requirements of sections 1 to 16 of this act, subsection 2 of section 339.100, RSMo, and any rules and regulations promulgated pursuant to those sections; and

(6) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes and regulations.

2. A licensee acting as a seller's or landlord's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule or regulation or failure to disclose the information would constitute a misrepresentation or unless disclosure is necessary to defend the affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee. No cause of action shall arise against a licensee acting as a seller's or landlord's agent for making any required or permitted disclosure.

3. A licensee acting as a seller's or landlord's agent owes no duty or obligation to a customer, except that a licensee shall disclose to any customer all adverse material facts actually known or that should have been known by the licensee. The adverse material facts may include facts pertaining to:

- (1) Environmental hazards affecting the property;**
- (2) The physical condition of the property;**
- (3) Material defects in the property;**
- (4) Material defects in the title to the property;**
- (5) Material limitation on the client's ability to perform under the terms of the contract.**

A seller's or landlord's agent owes no duty to conduct an independent inspection of the property for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of any statement made by the client or any independent inspector.

4. A seller's or landlord's agent may show alternative properties not owned by the client to prospective buyers or tenants and may list competing properties for sale or lease without breaching any duty or obligation to the client.

5. A seller or landlord may agree in writing with a seller's or landlord's agent that other designated brokers may be retained and compensated as subagents. Any designated broker acting as a subagent on the seller's or landlord's behalf shall be a limited agent with the obligations and responsibilities set forth in subsections 1 to 4 of this section.

Section 4. 1. A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations:

- (1) To perform the terms of any written agreement made with the client;**
- (2) To exercise reasonable skill and care for the client;**
- (3) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including:**
 - (a) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease;**
 - (b) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease;**
 - (c) Disclosing to the client adverse material facts actually known or that should have been known by the licensee; and**
 - (d) Advising the client to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee;**
- (4) To account in a timely manner for all money and property received;**
- (5) To comply with all requirements of sections 1 to 16 of this act, subsection 2 of section 339.100, RSMo, and any rules and regulations promulgated pursuant to those sections; and**
- (6) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations.**

2. A licensee acting as a buyer's or tenant's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute a misrepresentation or unless disclosure is necessary to defend the affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee. No cause of action for any person shall arise against a licensee acting as a buyer's or tenant's agent for making any required or permitted disclosure.

3. A licensee acting as a buyer's or tenant's agent owes no duty or obligation to a customer, except that the licensee shall disclose to any customer all adverse material facts actually known or that should have been known by the licensee. The adverse material facts may include facts concerning the client's financial ability to perform the terms of the transaction. A buyer's or tenant's agent owes no duty to conduct an independent investigation of the client's financial condition for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of statements made by the client or any independent inspector.

4. A buyer's or tenant's agent may show properties in which the client is interested to other prospective buyers or tenants without breaching any duty or obligation to the client. This section shall not be construed to prohibit a buyer's or tenant's agent from showing competing buyers or tenants the same property and from assisting competing buyers or tenants in attempting to purchase or lease a particular property.

5. A client may agree in writing with a buyer's or tenant's agent that other designated brokers may be retained and compensated as subagents. Any designated broker acting on the buyer's or tenant's behalf as a subagent shall be a limited agent with the obligations and responsibilities set forth in subsections 1 to 4 of this section.

Section 5. 1. A licensee may act as a dual agent only with the consent of all parties to the transaction. Consent shall be presumed by a written agreement pursuant to section 8 of this act.

2. A dual agent shall be a limited agent for both the seller and buyer or the landlord and tenant and shall have the duties and obligations required by sections 3 and 4 of this act unless otherwise provided for in this section.

3. Except as provided in subsections 4 and 5 of this section, a dual agent may disclose any information to one client that the licensee gains from the other client if the information is material to the transaction unless it is confidential information as defined in section 1 of this act.

4. The following information shall not be disclosed by a dual agent without the consent of the client to whom the information pertains:

- (1) That a buyer or tenant is willing to pay more than the purchase price or lease rate offered for the property;**
- (2) That a seller or landlord is willing to accept less than the asking price or lease rate for the property;**
- (3) What the motivating factors are for any client buying, selling, or leasing the property;**
- (4) That a client will agree to financing terms other than those offered; and**
- (5) The terms of any prior offers or counter offers made by any party.**

5. A dual agent shall not disclose to one client any confidential information about the other client unless the disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute a misrepresentation or unless disclosure is necessary to defend the affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee. No cause of action for any person shall arise against a dual agent for making any required or permitted disclosure. A dual agent does not terminate the dual agency relationship by making any required or permitted disclosure.

6. In a dual agency relationship there shall be no imputation of knowledge or information between the client and the dual agent or among persons within an entity engaged as a dual agent.

Section 6. 1. Every designated broker shall adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities.

2. A designated broker shall not be required to offer or engage in more than one of the brokerage relationships enumerated in section 2 of this act.

Section 7. 1. At the earliest practicable opportunity during or following the first substantial contact by the designated broker or the affiliated licensees with a seller, landlord, buyer, or tenant who has not entered into a written agreement for services as described in subsection 15 of section 1 of this act, the licensee shall provide that person with a written copy of the current broker disclosure form which has been prescribed by the commission. If the prospective customer refuses to sign the disclosure, the licensee shall set forth, sign and date a written explanation of the facts of the refusal and the explanation shall be retained by the licensee's broker.

2. When a seller, landlord, buyer, or tenant has already entered into a written agreement for services with a designated broker, no other licensee shall be required to make the disclosures required by this section.

3. Before engaging in any of the activities enumerated in section 339.010, RSMo, a licensee working as an agent or subagent of the seller or landlord with a buyer or tenant who is not represented by a licensee shall provide to the customer the current broker disclosure form prescribed by the commission.

4. Before engaging in any of the activities enumerated in section 339.010, RSMo, a licensee working as an agent or subagent of the buyer or tenant with a seller or landlord who is not represented by a licensee shall provide to the customer the current broker disclosure form prescribed by the commission.

5. The written disclosure required pursuant to subsections 1, 3, and 4 of this section shall contain a signature block for the client or customer to acknowledge receipt of the disclosure. The customer's acknowledgment of disclosure shall not constitute a contract with the licensee. If the customer refuses to sign the disclosure, the licensee shall set forth, sign and date a written explanation of the facts of the refusal and the explanation shall be retained by the licensee's broker.

6. Disclosures made in accordance with sections 1 to 16 of this act shall be sufficient as a matter of law to disclose brokerage relationships to the public.

Section 8. 1. All written agreements for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker.

2. Before engaging in any of the activities enumerated in section 339.010, RSMo, a designated broker intending to establish a limited agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 3 of this act and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker.

3. Before or while engaging in any acts enumerated in section 339.010, RSMo, except ministerial acts defined in section 1 of this act, a designated broker acting as a single agent for a buyer or tenant shall enter into a written agency agreement with the buyer or tenant. The agreement shall include a licensee's duties and responsibilities specified in section 4 of this act and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker.

4. Before engaging in any of the activities enumerated in 339.010, RSMo, a designated broker intending to act

as a dual agent shall enter into a written agreement with the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The agreement shall include a licensee's duties and responsibilities specified in section 5 of this act and the terms of compensation.

5. Before engaging in any of the activities enumerated in section 339.010, RSMo, a designated broker intending to act as a subagent shall enter into a written agreement with the designated broker for the client. If a designated broker has made a unilateral offer of subagency, another designated broker can enter into the subagency relationship by the act of disclosing to the customer that he or she is a subagent of the client.

6. Nothing contained in this section shall prohibit the public from entering into written contracts with any broker which contain duties, obligations, or responsibilities which are in addition to those specified in this section.

Section 9. 1. The relationships set forth in this section commence on the effective date of the real estate broker's agreement and continue until performance, completion, termination or expiration of that agreement.

2. A real estate broker and an affiliated licensee owe no further duty or obligation after termination, expiration, completion or performance of the brokerage agreement, except the duties of:

(1) Accounting in a timely manner for all money and property related to, and received during, the relationship; and

(2) Treating as confidential information provided by the client during the course of the relationship that may reasonably be expected to have a negative impact on the client's real estate activity unless:

(a) The client to whom the information pertains grants written consent;

(b) Disclosure of the information is required by law;

(c) The information is made public or becomes public by the words or conduct of the client to whom the information pertains or from a source other than the real estate brokerage or the affiliated licensee; or

(d) Disclosure is necessary to defend the designated broker or an affiliated licensee against an action of wrongful conduct in an administrative or judicial proceeding or before a professional committee.

Section 10. 1. In any real estate transaction, the designated broker's compensation may be paid by the seller, the landlord, the buyer, the tenant, or a third party or by sharing the compensation between designated brokers.

2. Payment of compensation by itself shall not establish an agency relationship between the party who paid the compensation and the designated broker or any affiliated licensee.

3. A seller or landlord may agree that a designated broker or subagent may share with another designated broker the compensation paid by the seller or landlord.

4. A buyer or tenant may agree that a designated broker or subagent may share with another designated broker the compensation paid by the buyer or tenant.

5. A designated broker may be compensated by more than one party for services in a transaction with the knowledge of all the parties at or before the time of entering into a written contract to buy, sell, or lease.

Section 11. 1. A client shall not be liable for a misrepresentation of such client's limited agent or subagent arising out of the limited agency agreement unless the client knew or should have known of the misrepresentation.

2. A licensee who is serving as a limited agent or subagent of a client shall not be liable for misrepresentation of such licensee's client arising out of the brokerage agreement unless the licensee knew or should have known of

the misrepresentation.

3. A licensee who is serving as a limited agent of a client shall not be liable for a misrepresentation of any subagent unless the licensee knew or should have known of the misrepresentation. A broker shall not be liable for misrepresentation of an affiliated licensee unless the broker knew or should have known of the misrepresentation.

4. A licensee who is serving as a subagent shall not be liable for a misrepresentation of the limited agent unless the subagent knew or should have known of the misrepresentation.

Section 12. A designated broker entering into a limited agency agreement with a client for the listing of property or for the purpose of representing that person in the buying, selling, exchanging, renting, or leasing of real estate may appoint in writing affiliated licensees as designated agents to the exclusion of all other affiliated licensees. A designated broker shall not be considered to be a dual agent solely because such broker makes an appointment under this section, except that any licensee who personally represents both the seller and buyer or both the landlord and tenant in a particular transaction shall be a dual agent and shall be required to comply with the provisions governing dual agents.

Section 13. 1. All designated agents to the extent allowed by their licenses shall have the same duties and responsibilities to the client and customer pursuant to sections 3 to 5 of this act as the designated broker except as provided in section 12 of this act.

2. All affiliated licensees have the same protections from vicarious liability as provided in sections 1 to 16 of this act as does their designated broker.

Section 14. Sections 1 to 16 of this act shall supersede the duties and responsibilities of the parties under the common law, including fiduciary responsibilities of an agent to a principal, except as provided in subsection 6 of section 8 of this act. Sections 1 to 16 of this act shall be construed broadly to accomplish their purposes.

Section 15. The commission shall adopt and promulgate rules and regulations to carry out sections 1 to 16 of this act. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 16 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 16. Sections 1 to 16 of this act shall become effective on September 1, 1997.";

And further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend Senate Bill No. 664, Page 6, by inserting at the end of said bill, section 375.020, by adding in subsection 2 after subsection (g) after the words "...compensation for services." the following:

(h) any course or program of instruction approved for use to meet professional continuing education in another Missouri profession, as required by law, which course or program relates to the topic of insurance.; and

Further amend the title accordingly.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to concur in **HAs 1, 2, 3 and 4** to **SB 644** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Sims, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 974**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 974

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Bill No. 974, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 974;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 974;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Betty Sims /s/ Wayne Crump

/s/ Joe Moseley /s/ Robert M. Clayton III

/s/ Bill McKenna /s/ Chuck Gross

/s/ Roseann Bentley /s/ Dale Whiteside

/s/ Harry Wiggins /s/ Steve Gaw

Senator Sims moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

President Pro Tem Mathewson resumed the Chair.

On motion of Senator Sims, **CCS** for **SS** for **SCS** for **SB 974**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 974

An Act to repeal sections 557.036, 558.018, 558.021, 559.115 and 589.015, RSMo 1994, and sections 566.607 and 566.610, RSMo Supp. 1995, relating to sex offenders, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Bentley Clay--2

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HCS for **HB 999**, with **SCS**, entitled:

An Act to repeal section 334.735, RSMo 1994, and sections 334.500 and 334.740, RSMo Supp. 1995, relating to licensing and regulating certain health care professionals, and to enact in lieu thereof twenty-five new sections relating to the same subject, with penalty provisions.

Was taken up by Senator McKenna.

SCS for HCS for HB 999, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 999

An Act to repeal sections 334.735 and 334.745 RSMo 1994, and sections 334.500 and 334.740, RSMo Supp. 1995, relating to licensing and regulating certain health care professionals, and to enact in lieu thereof twenty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator McKenna moved that SCS for HCS for HB 999 be adopted.

Senator McKenna offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 2, Section 334.650, Line 1, by inserting before the word "After" the number "1."; and

Further amend said bill, Page 2, Section 334.650, Line 3, by inserting after all of said line the following:

"2. A licensed physical therapist shall direct and supervise a physical therapist assistant at all times. The licensed physical therapist shall have the responsibility of supervising the physical therapy treatment program. No physical therapist may establish a treating office in which the physical therapist assistant is the primary care provider."

Senator McKenna moved that the above amendment be adopted.

Senator Kenney offered SA 1 to SA 1, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Committee Substitute for House Committee Substitute for House Bill No. 999, by adding at the end the following new sentence:

"No licensed physical therapist shall have under their direct supervision more than four (4) physical therapist assistants."

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that SA 1, as amended, be adopted, which motion prevailed.

Senator McKenna offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 1, Section A, Line 6 by inserting immediately after said line, the following:

"334.123. The board shall elect its own president and secretary, each to serve for a term of one year, and shall maintain an office and employ an executive director and such other board personnel, as defined in section 620.010, RSMo, as the board in its discretion deems necessary. Without limiting the foregoing, the board is specifically authorized to obtain the services of specially trained and qualified persons or organizations to assist in conducting examinations of applicants for licenses and may employ legal counsel. The executive director shall have the degree of Bachelor of Arts or [its] **the equivalent [in college credits] combination of education and experience from which comparable knowledge and abilities can be acquired.** The board shall meet annually in Jefferson City and at such other times and places as the members of the board may designate, and shall keep a record of its proceedings and shall cause a register to be kept of all applicants for certificates of licensure. The records and register shall be prima facie evidence of all matters recorded therein. Four members of the board shall constitute a quorum, at least one of whom shall be a graduate of a professional school approved and accredited as reputable by the American Medical Association or the Liaison Committee on Medical Education, and at least one of whom shall be a graduate of a professional school approved and accredited as reputable by the American Osteopathic Association."; and

Further amend said bill, pages 27-28, section 15, lines 1-43, by deleting all of said lines"; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 27, Section 15, Line 4, by adding after "RSMo": "and within two years of the date the board receives notice of an alledged violation".

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 2** was withdrawn.

Senator Quick assumed the Chair.

SA 2 was again taken up.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Johnson offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 1, Section A, Line 6 by inserting immediately after said line the following:

"324.001. 1. Sections 324.001 to 324.040 of this act shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.001 to 324.040 of this act, the following terms mean:

(1) "Committee", the state committee of dietitians;

(2) "Dietitian", a health care professional engaged in the practice of medical nutrition therapy;

(3) "Director", the director of the division of professional registration in the department of economic development;

(4) "Division", the division of professional registration of the department of economic development;

(5) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.001 to 324.040 of this act to engage in the practice of medical nutrition therapy.

(6) "Medical nutrition therapy", a range of specific medical nutrition therapies identified by medical professionals, and based on clinical research and experience, which are used to treat illness and injuries and involve:

(a) Assessment of the nutritional status of patients with conditions, illness or injury that would include medical nutrition therapy as part of the course of treatment. The assessment includes review and analysis of medical and diet history, blood chemistry lab values, and anthropometric measurements to determine nutritional status and treatment modalities;

(b) Therapy ranges from diet modification to administration of specialized nutrition therapies such as enteral nutrition via tube feedings or parenteral nutrition via intravenous medical nutritional products which are necessary to manage a condition or treat illness or injury;

(c) The administration of medical nutrition therapy and treatment modalities as prescribed by a person licensed in this state to prescribe such medical nutrition therapies and treatment modalities;

(d) The evaluation and quality improvement in the standards of delivery of medical nutrition therapy in accordance with guidelines set forth by nationally recognized health care accrediting agencies; or

(e) The training and supervision of other persons in the performance of any of the activities provided in paragraphs (a) to (d) of this subdivision.

324.003. 1. There is hereby established the "State Committee of Dietitians" which shall guide, advise and make recommendations to the division and fulfill other responsibilities designated by sections 324.001 to 324.040 of this act. The committee shall approve the examination required by section 324.015 of this act and shall assist the division in carrying out the provisions of sections 324.001 to 324.040 of this act.

2. The committee shall consist of six members, including one public member, appointed by the governor with the advice and consent of the senate. Each member of the committee shall be a citizen of the United States and a resident of this state and, except as provided in this section, shall be licensed as a dietitian by this state. Beginning with the first appointments made after August 28, 1996, two members shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Thereafter, all members shall be appointed to serve four-year terms. No person shall be eligible for reappointment who has served as a member of the committee for a total of eight years. The membership of the committee shall reflect the differences in levels of education and work experience with consideration being given to race, gender and ethnic origins. No more than three members shall be from the same political party. The membership shall be representative of the various geographic regions of the state.

3. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

4. Each member of the committee shall receive as compensation, an amount set by the committee not to exceed fifty dollars for each day devoted to the affairs of the committee, and shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff for the committee shall be provided by the division.

5. The committee shall hold an annual meeting at which it shall elect from its membership a chairperson and

secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least three days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

6. The governor may remove a committee member for misconduct, incompetency, neglect of the member's official duties, or for cause.

7. The public member shall be at the time of the person's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated by sections 324.001 to 324.040 of this act or the spouse of such person; and a person who does not have and never has had a material financial interest in either the providing of the professional services regulated by sections 324.001 to 324.040 of this act, or an activity or organization directly related to any profession licensed or regulated by sections 324.001 to 324.040 of this act. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

324.006. 1. After July 1, 1997, no person may use the title licensed dietitian, dietitian or L.D. and engage in the practice of medical nutrition therapy in this state unless the person is licensed pursuant to the provisions of sections 324.001 to 324.040 of this act.

2. If the person does not use the title, dietitian, licensed dietitian or L.D., or any way represent that the person is a licensed dietitian, sections 324.001 to 324.040 of this act shall not apply to the furnishing of verbal nutrition information as an operator or employee of a weight loss program or a business that sells health products, including dietary supplements, foods or food materials or disseminating written nutrition information in connection with the distribution of such products.

3. Sections 324.001 to 324.040 of this act shall not apply to:

(1) Any person registered, certificated or licensed by this state, another state, or any recognized national certification agent acceptable to the division to practice any other occupation or profession while rendering services similar in nature to dietetics in the performance of the occupation or profession which the person is registered, certificated or licensed; or

(2) The practice of any dietitian who is employed, prior to the effective date of this act, by any agency or department of the state of Missouri while discharging the person's duties in that capacity.

4. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.

324.009. 1. Nothing in sections 324.001 to 324.040 of this act shall be construed to authorize any person licensed pursuant to sections 324.001 to 324.040 of this act as a licensed dietitian to engage in any manner of the practice of medicine as defined by the laws of this state.

2. Any person licensed pursuant to sections 324.001 to 324.040 of this act as a licensed dietitian shall practice medical nutrition therapy only within the scope of the person's education and training as provided in sections 324.001 to 324.040 of this act.

324.015. 1. An applicant for licensure as a dietitian shall be at least twenty-one years of age.

2. Each applicant shall furnish evidence to the division that:

(1) The applicant has completed a didactic program in dietetics which is approved or accredited by the Commission on Accreditation/Approval for Dietetic Education and a minimum of a baccalaureate degree from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education. Applicants who have obtained

their education outside of the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or master's degree conferred by a regionally accredited college or university in the United States. Validation of a foreign degree does not eliminate the need for a verification statement of completion of a didactic program in dietetics;

(2) The applicant has completed a supervised practice requirement from an institution that is certified by a nationally recognized professional organization as having a dietetics specialty or who meets criteria for dietetics education established by the committee. The committee may promulgate rules specifying which professional organization certifications are to be recognized and may set standards for education, training and experience required for those without such specialty certification to become dietitians.

3. The applicant shall successfully pass an examination as determined by the committee pursuant to administrative rules. The committee may waive the examination requirement and grant licensure to an applicant for a license as a dietitian who:

(1) Presents satisfactory evidence to the committee of current registration as a dietitian with the Commission on Dietetic Registration; or

(2) For a period of six months from July 1, 1997, a person may apply for licensure without examination and shall be exempt from the academic requirements of sections 324.001 to 324.040 of this act if the committee is satisfied that the applicant:

(a) Has been a resident of the state of Missouri for at least the last six months; and

(b) Holds a valid license as a dietitian from another state; or

(c) Has a bachelor's degree in a program approved by the division, and work experience approved by the division.

4. The division may determine by rule the type of documentation needed to verify that an applicant meets the qualifications provided in subsection 3 of this section.

324.020. 1. Applications for licensure as a dietitian shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant submits a written application and pays the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The division shall set by rule the appropriate amount of fees authorized herein. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 324.001 to 324.040 of this act. All fees provided for in sections 324.001 to 324.040 of this act shall be collected by the director who shall transmit the funds to the director of revenue to be deposited in the state treasury to the credit of the "Dietitian Fund" which is hereby created.

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the dietitian fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the dietitian fund for the preceding fiscal year.

324.025. 1. The division shall issue a license to each candidate who files an application and pays the fee as required by the provisions of sections 324.001 to 324.040 of this act and who furnishes evidence satisfactory to the committee that the candidate has complied with the provisions of section 324.015 of this act or with the provisions of subsection 2 of this section.

2. The division shall issue a license to any dietitian who is currently licensed in another jurisdiction and has no violation, suspension or revocation of a license to practice medical nutrition therapy in any jurisdiction, provided that, such person is licensed in a jurisdiction whose requirements for licensure are substantially equal to, or greater than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for licensure.

3. The division shall not allow any person to sit for the examination for licensure as a dietitian in this state who has failed the examination as approved by the committee three times, until the applicant submits evidence of satisfactory completion of additional course work or experience and has been approved by the committee for reexamination.

324.030. 1. The division may refuse to issue any license or renew any license required by the provisions of sections 324.001 to 324.040 of this act for one or any combination of reasons stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided in chapter 621, RSMo.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621, RSMo, against the holder of any license required by sections 324.001 to 324.040 of this act or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a dietitian;

(2) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage, to an extent that such use impairs a person's ability to engage in the occupation of dietetics; except for the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(3) The person has been fully adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a dietitian, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(4) Use of fraud, deception, misrepresentation or bribery in securing a license issued pursuant to the provisions of sections 324.001 to 324.040 of this act or in obtaining permission to take the examination required pursuant to sections 324.001 to 324.040 of this act;

(5) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.001 to 324.040 of this act, or of any lawful rule or regulation adopted pursuant to sections 324.001 to 324.040 of this act;

(7) Impersonation of any person holding a license or allowing any person to use his or her license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice medical nutrition therapy by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice medical nutrition therapy who is not licensed or currently eligible to practice pursuant to the provisions of sections 324.001 to 324.040 of this act;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 324.001 to 324.040 of this act or any rule promulgated pursuant thereto;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for dietitians adopted by the committee pursuant to administrative rule.

3. Any person, organization, association or corporation who reports or provides information to the division pursuant to the provisions of sections 324.001 to 324.040 of this act and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed three years, or revoke the license of the person.

5. The division shall maintain an information file containing each complaint filed with the division relating to a holder of a license, the division, at least quarterly, shall notify the complainant and holder of a license of the complaint's status until final disposition.

324.035. 1. The division shall:

(1) Recommend for prosecution violations of sections 324.001 to 324.040 of this act to the appropriate prosecuting or circuit attorney;

(2) Employ, within the funds appropriated, such employees as are necessary to carry out the provisions of sections 324.001 to 324.040 of this act;

(3) Exercise all budgeting, purchasing, reporting and other related management functions;

(4) Promulgate, with the advice and consent of the committee, such rules and regulations as are necessary to administer the provisions of sections 324.001 to 324.040 of this act.

2. No rule or portion of a rule promulgated under the authority of sections 324.001 to 324.040 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

324.040. 1. No provision of sections 324.001 to 324.040 of this act shall be construed to mandate benefits or

third-party reimbursement for services of dietitians in the policies or contract of any insurance company, health services corporation or other third-party payor.

2. No provision of sections 324.001 to 324.040 of this act shall be construed to effect procedures for billing for dietitian services provided by agencies, corporations or organizations that employ licensed dietitians."; and

Further amend the title and enacting clause accordingly.

Senator Johnson moved that the above amendment be adopted.

Senator Klarich raised the point of order that **SA 3** is out of order in that the amendment goes beyond the scope and title of the bill.

Senator Melton raised a further point of order that the subject matter of **SA 3** is not connected and not germane to any part of the subject matter contained in the bill under consideration and goes beyond the scope and purpose of the bill and clearly violates the prohibition as set forth in Rule 54, and also violates Rule 57 by attempting to insert a second subject into the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken, rendering Senator Klarich's point of order moot.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 12, Section 334.749, Line 39 by inserting immediately after said line, the following:

337.020. 1. Each person desiring to obtain a license as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration.

2. Each applicant shall submit evidence satisfactory to the committee that he is at least twenty-one years of age, is of good moral character, and meets the appropriate educational and supervised training requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall license and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the Examination for Professional Practice in Psychology or such other examination in psychology which may be adopted by the committee, except that an applicant fulfilling the requirement of section 337.029 shall be licensed without examination.

4. Written and oral examinations under sections 337.010 to 337.090 shall be administered by the committee at least twice each year to those applicants who meet the other requirements for licensure. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the Examination for Professional Practice in Psychology national examination in psychology or such other national examination in psychology which may be available.

5. If an applicant fails any examination, he shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

[6. The provisions of this chapter shall not apply to hypnotherapists.]

337.030. 1. Each psychologist licensed [under] **pursuant to** the provisions of sections 337.010 to 337.090, who has not filed with the committee a verified statement that [he] **the psychologist** has retired from or terminated [his] **the psychologist's** practice of psychology in this state, shall register with the division on or before the registration renewal date. The division shall require a registration fee which shall be submitted together with [the] **proof of compliance with the continuing education requirement as provided in section 337.050 and any other** information required for such registration. Upon receipt of the required [information] **material** and of the registration fee, the division shall issue a renewal certificate of registration. The division shall, when issuing an initial license to an applicant who has met all of the qualifications of [this act] **sections 337.010 to 337.093** and has been approved for licensure by the committee shall grant [him] **the applicant**, without payment of any further fee, a certificate of registration valid until the next registration renewal date.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the registration renewal date. Failure to provide the division with the **proof of compliance with the continuing education requirement and other** information required for registration, or to pay the registration fee after such notice shall effect a revocation of the license after a period of sixty days from the registration renewal date. The license shall be restored if, within two years of the registration renewal date, the applicant provides written application and the payment of the registration fee and a delinquency fee **and proof of compliance with the requirements for continuing education as provided in section 337.050**.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the committee, upon payment of a reasonable fee.

4. The committee shall set the amount of the fees [which this chapter authorizes and requires] **authorized by sections 337.010 to 337.093 and required** by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering [this chapter] **sections 337.010 to 337.050**.

337.045. Nothing in sections 337.010 to 337.090 shall in any way limit:

(1) Qualified members of other professional groups such as teachers, clergymen, practitioners of medicine, practitioners of chiropractic, practitioners of optometry, licensed professional counselors, attorneys, **licensed clinical** social workers, vocational counselors, vocational rehabilitation counselors, nurses, or duly accredited Christian Science practitioners from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions; or

(2) The activities, services, or use of official title on the part of any person in the employ of a governmental agency, or of a duly chartered educational institution, or of a corporation primarily engaged in research, insofar as such activities or services are part of the duties of his employment, **except that any person hired after August 28, 1996, must be in the process of meeting the required hours of supervised professional experience or must be a licensed psychologist**; or

(3) Other persons from engaging in activities defined as the practice of psychology, provided that such persons shall not represent themselves by the title "psychologist". Such persons may use the terms "psychological trainee", "psychological intern", "psychological resident", and "psychological assistant" and provided further that such persons perform their activities under the supervision and responsibility of a licensed psychologist in accordance with regulations promulgated by the committee. Nothing in this subsection shall be construed to apply to any person other than:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at a recognized educational institution;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this act;

(c) A qualified assistant employed by, or otherwise directly accountable to, a licensed psychologist; or

(4) The use of psychological techniques by government institutions, commercial organizations or individuals for employment, evaluation, promotion or job adjustment of their own employees or employee-applicants, or by employment agencies for evaluation of their own clients prior to recommendation for employment; provided that no government institution, commercial organization or individual shall sell or offer these services to the public or to other firms, organizations or individuals for remuneration, unless the services are performed or supervised by a person licensed and registered under sections 337.010 to 337.090; or

(5) The practice of psychology in the state of Missouri for a temporary period as hereinafter provided by a person who resides outside the state of Missouri, and who is licensed or certified to practice psychology in another state and conducts the major part of his practice outside the state. The temporary period shall not exceed ten consecutive business days in any period of ninety days, nor in the aggregate exceed fifteen business days in any nine-month period; or

(6) The provision of expert testimony by psychologists or other persons who are otherwise exempted by sections 337.010 to 337.090; or

(7) The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultations to organizations or institutions, provided that such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals; or

(8) School psychologists certified under the program standards of the National Association of School Psychologists who are employed in a duly accredited school so long as the individual is performing services within the scope of his employment for such school and within the scope of his education, training and experience; or

(9) Psychotherapy activities or services performed by an individual with a doctoral degree in anthropology; provided that said degree was received on or prior to December 31, 1989, and which was from an educational institution accredited by one of the regional accrediting associations approved by the council on postsecondary accreditation; and provided further that said individual has completed at least twenty-four months of supervised clinical experience in psychotherapy under the supervision of a physician; or

(10) A social worker who has a master's or a doctorate degree from a college or university program of social work accredited by the council on social work education and who has twenty-four months of supervised clinical experience.

337.050. 1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on August 28, 1989, is abolished. Nothing [herein] **in this section** shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on August 28, 1989.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the department, upon the advice and consent of the senate. The department, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall, other than the public member, have been licensed as a psychologist in this state for at least three years. Committee members shall reflect a diversity of practice specialties. To ensure adequate representation of the diverse fields of psychology, the committee shall consist of at least two psychologists who are engaged full time in the doctoral teaching and training of psychologists, and at least two psychologists who are engaged full time in the professional practice of psychology. In addition, the first appointment to the committee shall include at least one psychologist who

shall be licensed on the basis of a master's degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit full membership rights on the committee for psychologists licensed on the basis of a master's degree. If a member of the committee shall, during [his] **the member's** term as a committee member, remove [his] **the member's** domicile from the state of Missouri, then the committee shall immediately notify the director of the division, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

4. The public member shall be at the time of [his] **the public member's** appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated under this chapter or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by [this chapter] **sections 337.010 to 337.093**, or an activity or organization directly related to any profession licensed or regulated [under this chapter] **pursuant to sections 337.010 to 337.093**. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the secretary shall conduct the office of the chairperson.

6. Each member of the committee shall receive, as compensation, an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of [his] **the member's official** duties.

7. Staff for the committee shall be provided by the director of the department of economic development, through the director of the division of professional registration.

8. The governor may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to 337.090, to carry out the provisions of sections 337.010 to 337.090. No rule shall be adopted except in accordance with the procedures set forth in chapter 536, RSMo. The committee may promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which rules shall be based upon the ethical principles promulgated and published by the American Psychological Association.

10. No rule or portion of a rule promulgated under the authority of sections 337.010 to 337.090 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

11. The committee may sue and be sued in its official name, and shall have a seal which shall be affixed to all certified copies or records and papers on file, and to such other instruments as the committee may direct. All courts shall take judicial notice of such seal. Copies of records and proceedings of the committee, and of all papers on file with the division on behalf of the committee certified under the seal shall be received as evidence in all courts of record.

12. When applying for a renewal of a license pursuant to section 337.030, each licensed psychologist shall submit proof of the completion of at least forty hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal of the license. The type of continuing education to be considered shall include, but not be limited to:

(1) Attending recognized educational seminars, the content of which are primarily psychological, as defined by rule;

(2) Attending a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule;

(3) Presenting a recognized educational seminar, the contents of which are primarily psychological, as defined by rule;

(4) Presenting a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule; and

(5) Independent course of studies, the contents of which are primarily psychological, which have been approved by the committee and defined by rule.

The committee shall determine by administrative rule the amount of training, instruction, self instruction or teaching that shall be counted as an hour of continuing education credit.; and

Further amend said bill, page 19-20, section 7, lines 1-50, by striking all of said lines and inserting in lieu thereof the following:

"Section 7. No rule or portion of a rule promulgated under the authority of sections 1 to 14 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend said bill, pages 27-28, section 15, lines 1-43, by removing all of said section; and

Further amend title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted.

Senator McKenna raised the point of order that **SA 4** is out of order in that it is not connected and not germane to any part of the subject matter contained in the bill under consideration and goes beyond the scope and purpose of the bill and clearly violates the prohibition as set forth in Rule 54 and also violates Rule 57 by attempting to insert a second subject into the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Pages 19-20, Section 7, Lines 1-50 by striking all of said lines and inserting in lieu thereof the following:

"Section 7. No rule or portion of a rule promulgated under the authority of sections 1 to 14 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.".

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 1, In the Title, Line 3 by striking "licensing and regulating" and inserting in lieu thereof the following: "the functions, licensing and regulations of"; and

Further amend said bill, page 12, section 334.749, line 39, by inserting immediately after said line, the following:

"338.425. 1. This section shall be known and may be cited as the "Missouri Kidney Health Care Act".

2. Notwithstanding any provisions of the law to the contrary, a manufacturer or wholesaler who supplies dialysis devices or drugs used exclusively for or necessary to perform home dialysis prescribed or ordered by a physician for administration or delivery to a person with chronic kidney failure shall not be considered to be practicing pharmacy without a license if:

(1) The manufacturer or wholesaler is registered with the state board of pharmacy and lawfully holds the dialysis drugs or devices;

(2) The manufacturer or wholesaler delivers the dialysis drugs or devices to:

(a) A person with chronic kidney failure for self-administration, as ordered by a physician, at the person's home or specified address; or

(b) A physician for administration or delivery to a person with chronic kidney failure; and

(3) The manufacturer or wholesaler has sufficient and qualified supervision to adequately protect the public health.

3. The state board of pharmacy shall promulgate rules and regulations necessary to ensure the safe distribution of the dialysis drugs and devices described in subsection 2 of this section, without interruption of supply. Such regulations shall include licensing, records, evidence of delivery to the patient or patient's designee, patient training, specific product and quantity limitation, physician prescriptions or order forms, adequate warehouse facilities and appropriate labeling to ensure necessary information is affixed to or accompanies such dialysis drugs or devices.

4. The dialysis drugs or devices which are the subject of this section shall only be delivered by:

(1) The manufacturer or wholesaler to which the physician has issued an order; or

(2) A carrier authorized to possess such dialysis devices or drugs.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 6** is out of order in that it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Maxwell offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 8, Section 334.735, Line 80 by inserting immediately after "attempt to practice" the following:

"without physician supervision or";

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 28, Section 15, Line 43, by inserting after all of said line the following:

"Section 1. For the purposes of sections 1 to 8 of this act, the following terms mean:

(1) "Acupuncture", the use of needles inserted into the body by piercing of the skin, and all other techniques of Oriental medicine, both traditional and modern, for the assessment, evaluation, prevention, treatment or correction of any abnormal physiology, pathological condition or pain by means of controlling and regulating the flow and balance of energy in the body so as to restore the body to its proper functioning and state of health. "Oriental medicine techniques" include, but are not limited to, manual, mechanical, electrical, electronic, bioelectrical, and biomagnetic treatment; applications of heat and cold; massage and body-work; cupping; the recommendation, administration and dispensing of herbs; nutritional and dietary advice based primarily on Oriental principles; therapeutic movement; breathing exercises; and lifestyle counseling;

(2) "Acupuncturist", any person licensed as provided in sections 1 to 8 of this act, to practice acupuncture as defined in subdivision (1) of this section;

(3) "Auricular detox technician", a person trained solely in, and who performs only, auricular detox treatment. An auricular detox technician shall practice under the supervision of a licensed acupuncturist. Such treatment shall take place in a hospital, clinic or treatment facility which provides comprehensive substance abuse services, including counseling, and maintains all licenses and certifications necessary and applicable;

(4) "Auricular detox treatment", a very limited procedure consisting of acupuncture needles inserted into specified points in the outer ear of a person undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;

(5) "Board", the state board for acupuncturists established in section 2 of this act;

(6) "Department", the Missouri department of economic development;

(7) "Director", the director of the division of professional registration;

(8) "Division", the division of professional registration of the department of economic development;

(9) "License", the document of authorization issued by the division for a person to engage in the practice of acupuncture.

Section 2. 1. There is hereby established a "State Board for Acupuncturists" which shall guide, advise and otherwise assist the division in carrying out the provisions of sections 1 to 8 of this act.

2. The board shall consist of five members appointed by the governor with the advice and consent of the senate. Such board members shall include:

(1) Two acupuncturists licensed pursuant to sections 1 to 8 of this act; except that, the acupuncturist members of the first board shall be eligible for licensure pursuant to sections 1 to 8 of this act;

(2) One physician licensed pursuant to chapter 334, RSMo, who practices acupuncture;

(3) One chiropractor licensed pursuant to chapter 331, RSMo, who practices acupuncture; and

(4) One public member.

3. Board members shall be citizens of the United States and residents of this state. The members shall be appointed to serve three-year terms; except that, of the first board members, the physician shall be appointed for a term of one year, the chiropractor and one acupuncturist shall be appointed for terms of two years, and the

public member and one acupuncturist shall be appointed for terms of three years.

4. The board shall elect a president and a secretary from among its members at the first regular meeting held after January of each year. The members shall receive no compensation for their service on the board but shall be reimbursed for actual and necessary expenses incurred in their attendance at the meetings of the board which shall be held in Jefferson City. The board shall meet at least once per calendar year or more often at the discretion of the president of the board. All staff for the board shall be provided by the division.

5. The governor may remove a board member for misconduct, incompetency or neglect of official duties after giving the board written notice of the charges against such member and an opportunity to be heard on such charges.

Section 3. 1. Nothing in sections 1 to 8 of this act shall be construed to apply to physicians and surgeons licensed pursuant to sections 334.010 to 334.265, RSMo, or chiropractors licensed pursuant to chapter 331, RSMo; except that, if such physician or surgeon or chiropractor, with or without a current certification in meridian therapy, uses the title, licensed acupuncturist, then the provisions of sections 1 to 8 of this act shall apply.

2. No license to practice acupuncture shall be required for any person who is an auricular detox technician, provided that such person performs only auricular detox treatments as defined in section 1 of this act, under the supervision of a licensed acupuncturist, and in accordance with regulations promulgated pursuant to sections 1 to 8 of this act by the division. An auricular detox technician may not insert acupuncture needles in any other points of the ear or body, or use any other techniques of oriental medicine, or use the title, acupuncturist.

Section 4. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the division pursuant to sections 1 to 8 of this act;

(2) Is engaged in a supervised course of study that has been approved by the division, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist;

(3) Is a person licensed or certified to practice acupuncture in another jurisdiction, or whose credentials would grant eligibility for licensure pursuant to sections 1 to 8 of this act, but who resides in another jurisdiction and who is temporarily in the state of Missouri for the purpose of instructing persons practicing acupuncture.

Such person may practice without being licensed pursuant to sections 1 to 8 of this act for a maximum of ten calendar days per calendar year.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncturists (NCCA); or

(b) Is currently licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncturists, as determined by the board;

(2) Submits to the division an application on a form provided by the division; and

(3) Pays the fee specified by the division.

3. The division shall issue a certificate of licensure to each individual who satisfies the requirements of

subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall post the license in a conspicuous place in the holder's place of business.

4. The division may adopt regulations to implement the provisions of sections 1 to 8 of this act, including regulations establishing:

(1) Standards for the practice of acupuncture;

(2) Standards for educational institutions training persons to be licensed acupuncturists. Such standards shall be in accordance with standards set by the Council of Colleges of Acupuncture and Oriental Medicine;

(3) Standards for continuing professional education;

(4) Standards for the training and practice of auricular detox technicians, including specific enumeration of points which may be used.

5. No rule or portion of a rule promulgated pursuant to the authority of sections 1 to 8 of this act shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 5. 1. Licenses issued pursuant to sections 1 to 8 of this act shall expire on July first of each odd-numbered year. Renewal applications shall be submitted to the division along with a renewal fee, to be determined by the board.

2. A license to practice acupuncture which is not renewed on or before the date of its expiration becomes invalid. Such license may be restored by complying with the provisions of section 6 of this act.

Section 6. Any acupuncturist who fails to renew such acupuncturist's license on or before the date of its expiration may restore such license as follows:

(1) If the application for renewal is submitted to the division not more than two years after the expiration of the applicant's last license, by payment of the fee specified by the division and by providing all documentation required by the division by rule; or

(2) If the application for renewal is submitted to the division more than two years after the expiration of the applicant's last license, by payment of the fee specified by the division, and by reapplying as provided in subdivisions (1) and (2) of subsection 2 of section 4 of this act.

Section 7. Subject to rules promulgated pursuant to sections 1 to 8 of this act, the division may:

(1) Make investigations or conduct hearings to determine whether a violation of sections 1 to 8 of this act or any rule promulgated pursuant to sections 1 to 8 of this act has occurred;

(2) Reprimand an acupuncturist or deny, limit, suspend or revoke a license pursuant to the provisions of sections 1 to 8 of this act, if it finds that an acupuncturist has committed any of the following:

(a) Made a material misstatement in an application for license or renewal;

(b) While engaged in the practice of acupuncture, evidenced a lack of knowledge or ability to apply professional skills;

(c) Has been convicted of an offense which occurred during, or as a result of, the practice of acupuncture;

(d) Advertised in a manner which is false, deceptive or misleading;

(e) Practiced acupuncture while the individual's ability to practice was impaired by alcohol or other drugs.

Section 8. 1. Any person who violates any provision of sections 1 to 8 of this act is guilty of a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 1 to 8 of this act shall be refunded.

3. The department on behalf of the division may sue in its own name in any court in this state to enforce the provisions of sections 1 to 8 of this act. The department shall investigate any alleged violations of sections 1 to 8 of this act, may institute actions for penalties provided in this section and shall enforce generally the provisions of sections 1 to 8 of this act.

4. Upon application by the division, the attorney general may, on behalf of the division, request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license, issued pursuant to sections 1 to 8 of this act upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to this section may be in addition to, or in lieu of, any penalty provided by sections 1 to 8 of this act and may be brought concurrently with other actions to enforce the provisions of sections 1 to 8 of this act."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Melton raised the point of order that **SA 8** goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Moseley offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 999, Page 1, In the Title, Line 2, by deleting the word and number "and 334.745" and inserting in lieu thereof the following: ", 334.745, 337.603, 337.622, 337.630 and 337.633"; and

Further amend said bill, Page 1, In the Title, Line 3, by deleting the word and number "and 334.740" and inserting in lieu thereof the following: ", 334.740 and 337.627"; and

Further amend said bill, Page 1, In the Title, Lines 4 and 5, by deleting the word "twenty-eight" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word and number "and 334.745" and inserting in lieu thereof the following: ", 334.745, 337.603, 337.622, 337.630 and 337.633"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word and number "and 334.740" and inserting in lieu thereof the following: ", 334.740 and 337.627"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "twenty- eight" and inserting in lieu thereof the word "thirty-three"; and

Further amend said bill, Page 1, Section A, Line 5, by inserting after the number "334.749," the following: "337.603, 337.622, 337.627, 337.630, 337.633,"; and

Further amend said bill, Page 12, Section 334.749, Line 39, by inserting after all of said line the following:

"337.603. No person shall use the title of "licensed clinical social worker", "clinical social worker" or "provisional licensed clinical social worker" and engage in the practice of clinical social work in this state unless the person is licensed as required by the provisions of sections 337.600 to 337.639. Only individuals who are licensed clinical social workers shall practice social work as an independent practice. Sections 337.600 to 337.639 shall not apply to:

(1) Any person registered, certificated, or licensed by this state, another state, or any recognized national certification agent acceptable to the [division] **committee** to practice any other occupation or profession while rendering services similar in nature to clinical social work in the performance of the occupation or profession which the person is registered, certificated, or licensed; and

(2) The practice of any social worker who is employed by any agency or department of the state of Missouri while discharging the person's duties in that capacity.

337.606. For a period of twenty-four months from July 1, 1990, applicants for licensure shall be exempted from the academic requirements of sections 337.600 to 337.639 if the [division] **committee** is satisfied that the applicant has acceptable educational qualifications, or social work experience, or is currently engaged in the practice of clinical social work. After that time no person shall engage in clinical social work practice for compensation or hold himself **or herself** out as a licensed clinical social worker unless [he] **the person** is licensed in accordance with the provisions of sections 337.600 to 337.639.

337.612. 1. Applications for licensure as a clinical social worker shall be in writing, submitted to the [division] **committee** on forms prescribed by the [division] **committee** and furnished to the applicant. The application shall contain the applicant's statements showing [his] **the applicant's** education, experience, and such other information as the [division] **committee** may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the [division] **committee**.

2. The [division] **committee** shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the [division] **committee** with the information required for licensure, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the [division] **committee**, upon payment of a fee.

4. The [division] **committee** shall set the amount of the fees which sections 337.600 to 337.639 authorize and require by rules and regulations promulgated pursuant to section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.600 to 337.639. All fees provided for in sections 337.600 to 337.639 shall be collected by the director who shall deposit the same with the state treasurer in a fund to be known as the "Clinical Social Workers Fund".

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the clinical social workers fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the

appropriations from the clinical social workers fund for the preceding fiscal year.

337.615. 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the [division] **committee** that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has twenty-four months of supervised clinical experience acceptable to the committee, as defined by rule;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure.

2. Any person not a resident of this state holding a valid unrevoked and unexpired license, certificate or registration from another state or territory of the United States having substantially the same requirements as this state for clinical social workers may be granted a license to engage in the person's occupation in this state upon application to the [division] **committee** accompanied by the appropriate fee as established by the committee pursuant to section 337.612.

3. The [division] **committee** shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.639 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (3) of subsection 1 of this section or with the provisions of subsection 2 of this section. The [division] **committee** shall issue a provisional clinical social worker license to any applicant who meets all requirements of subdivisions (1) and (3) of subsection 1 of this section, but who has not completed the twenty-four months of supervised clinical experience required by subdivision (2) of subsection 1 of this section, and such applicant may reapply for licensure as a clinical social worker upon completion of the twenty-four months of supervised clinical experience.

337.618. Each license issued pursuant to the provisions of sections 337.600 to 337.639 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months; however, the director may establish a shorter term for the first licenses issued pursuant to this act in accordance with the provisions of subsection 14 of section 620.010, RSMo. The [division] **committee** shall renew any license upon application for a renewal and upon payment of the fee established by the [division] **committee** pursuant to the provisions of section 337.612.

337.621. The [division] **committee** may issue temporary permits to practice under extenuating circumstances as determined by the [division] **committee** and defined by rule.

337.622. 1. There is hereby established the "State Committee for Social Workers", which shall guide, advise, and make recommendations to the division and fulfill other responsibilities designated by sections 337.600 to 337.649. The committee shall approve any examination required by sections 337.600 to 337.649 and shall assist the division in carrying out the provisions of sections 337.600 to 337.649.

2. The committee shall consist of seven members, including a public member appointed by the governor. Each member of the committee shall be a citizen of the United States and a resident of this state. The committee shall consist of six licensed clinical social workers and one voting public member. At least two committee members shall be involved in the private practice of clinical social work. Any person who is a member of any clinical social worker advisory committee appointed by the director of the division of professional registration shall be eligible for appointment to the state committee for social work on the effective date of this section. The governor shall endeavor to appoint members from different geographic regions of the state and with regard to the pattern of distribution of social workers in the state. The term of office for committee members shall be four years and no committee member shall serve more than ten years. Of the members first appointed, the governor shall appoint two members, one of whom shall be the public member, whose terms shall be four years; two members whose terms shall be three years; two members whose terms shall be two years; and one member whose term shall be one year.

3. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

4. Each member of the committee shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff for the committee shall be provided by the division.

5. The committee shall hold an annual meeting at which it shall elect from its membership a chairperson and a secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting must be given to each member at least three days prior to the date of the meeting. A quorum of the board shall consist of a majority of its members.

6. The governor may remove a committee member for misconduct, incompetency or neglect of the member's official duties after giving the committee member written notice of the charges against such member and an opportunity to be heard thereon.

7. The public member shall be at the time of such member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.600 to 337.649, or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.600 to 337.649, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.600 to 337.649. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

337.627. 1. The [division] **committee** shall promulgate rules and regulations pertaining to:

(1) The form and content of license applications required by the provisions of sections 337.600 to 337.639 and the procedures for filing an application for an initial or renewal license in this state;

(2) Fees required by the provisions of sections 337.600 to 337.639;

(3) The characteristics of "supervised clinical experience" as that term is used in section 337.615;

(4) The standards and methods to be used in assessing competency as a licensed clinical social worker;

(5) Establishment and promulgation of procedures for investigating, hearing and determining grievances and violations occurring [under] **pursuant to** the provisions of sections 337.600 to 337.639;

(6) Development of an appeal procedure for the review of decisions and rules of administrative agencies existing [under] **pursuant to** the constitution or laws of this state;

(7) Establishment of a policy and procedure for reciprocity with other states, including states which do not have clinical social worker licensing laws or states whose licensing laws are not substantially the same as those of this state; and

(8) Any other policies or procedures necessary to the fulfillment of the requirements of sections 337.600 to 337.639.

2. No rule or portion of a rule promulgated [under] **pursuant to** the authority of sections 337.600 to 337.639 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

337.630. 1. The [division] **committee** may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.639 for one or any combination of causes stated in subsection 2 of this section. The [division] **committee** shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of [his] **the applicant's** right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The [division] **committee** may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.639 or any person who has failed to renew or has surrendered [his] **the person's** license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of clinical social work; except that the fact that a person has undergone treatment for past substance or alcohol abuse and/or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution [under] **pursuant to** the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a clinical social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.600 to 337.639 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.600 to 337.639;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a clinical social worker;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

(7) Impersonation of any person holding a license or allowing any person to use [his] **the person's** license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice clinical social work granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice clinical social work who is not licensed and currently eligible to practice [under] **pursuant to** the provisions of sections 337.600 to 337.639;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 337.600 to 337.639 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the [division] **committee** pursuant to the provisions of sections 337.600 to 337.639 and who does so in good faith shall not be subject

to an action for civil damages as a result thereof.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the [division] **committee** may censure or place the person named in the complaint on probation on such terms and conditions as the [division] **committee** deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.633. 1. Violation of any provision of sections 337.600 to 337.639 shall be a class B misdemeanor.

2. All fees or other compensation received for services which are rendered in violation of sections 337.600 to 337.639 shall be refunded.

3. The department on behalf of the [division] **committee** may sue in its own name in any court in this state. The department shall inquire as to any violations of sections 337.600 to 337.639, may institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 337.600 to 337.639.

4. Upon application by the [division] **committee**, the attorney general may on behalf of the [division] **committee** request that a court of competent jurisdiction grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice of business authorized by a certificate of registration or authority, permit or license issued pursuant to sections 337.600 to 337.639 upon a showing that the holder presents a substantial probability of serious harm to the health, safety or welfare of any resident of this state or client or patient of the licensee.

5. Any action brought pursuant to the provisions of this section shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

6. Any action brought [under] **pursuant to** this section may be in addition to or in lieu of any penalty provided by this act and may be brought concurrently with other actions to enforce the provisions of sections 337.600 to 337.639."

Senator Moseley moved that the above amendment be adopted.

Senator Melton raised the point of order that **SA 9** is out of order in that it goes outside the scope of the bill and is also in violation of Senate Rules 54 and 57.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator McKenna moved that **SCS** for **HCS** for **HB 999**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS** for **HCS** for **HB 999**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Curls	Flotron
Goode	Graves	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley

Mueller	Quick	Schneider	Sims
Staples	Treppler	Westfall	Wiggins--24
	Nays--Senators		
Ehlmann	Kenney	Melton	Rohrbach
Russell--5			
	Absent--Senators		
Bentley	Clay	DePasco--3	
	Absent with leave--Senators		
Scott	Singleton--2		

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 876, introduced by Representative Bray, entitled:

An Act to repeal sections 386.020 and 622.090, RSMo 1994, relating to the regulation of certain transportation activities, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up by Senator Goode.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 876, Page 9, Section 1, Line 49 by inserting immediately after said line the following:

"Section 2. 1. The commissioners of the bi-state development agency may participate in a committee or board meeting by means of conference telephone or other communication equipment whereby all persons attending the meeting, including the general public, can hear and communicate when appropriate. Participation in a committee or board meeting in this manner shall constitute presence in person at the meeting. The committee or board meetings referenced herein shall be considered public meetings subject to chapter 610, RSMo, and shall be reasonably accessible to the public."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Bill No. 876, Page 1, In the Title, Line 3, by deleting the word "three" and inserting in lieu thereof the

word "four"; and

Further amend said bill, Page 1, Section A, Line 1, by deleting the word "three" and inserting in lieu thereof the word "four"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the following: "622.090 and 1" and inserting in lieu thereof the following: "622.090, 1 and 2"; and

Further amend said bill, Page 9, Section 1, Lines 23 through 28, by deleting all of said lines and inserting in lieu thereof the following:

"3. The division may contract with the bi-state development agency created by section 70.370, RSMo, for safety consultation pursuant to the division's duties created by this section. Any moneys paid pursuant to this subsection shall be deposited in the light rail safety fund created in section 2 of this act."; and

Further amend said bill, Page 9, Section 1, Line 49, by inserting immediately after said line the following:

"Section 2. Any moneys received by the division of transportation of the department of economic development pursuant to subsection 3 of section 1 of this act shall be deposited in the state treasury to the credit of the "Light Rail Safety Fund" which is hereby created. The account shall be administered by the director of the division of transportation. When appropriated the moneys in the fund shall be used solely for the purpose of paying the costs of its duties pursuant to section 1 of this act. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the light rail safety fund at the end of any biennium shall not be transferred to the credit of the general revenue fund."

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 3:**

SENATE AMENDMENT NO. 3

Amend House Bill No. 876, Page 9, Section 1, Line 49, by inserting immediately following all of said line the following:

"Section 2. In order to enable the commission to acquire property to preserve a corridor for future highway construction under the provisions of sections 226.950 to 226.973, the commission shall not be required to file construction plans for the future highway with the county clerk's office as required by Missouri supreme court rule 86 or detail plans of the future highway construction with the county clerk as required by section 226.050, RSMo."; and

Further amend said bill by amending the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend House Bill No. 876, Page 9, Section 1, Line 49, by inserting immediately after said line, the following:

"Section 2. 1. Notwithstanding any other law to the contrary, the liability of any person owning or operating a special passenger train and any railroad corporation over whose tracks the special passenger train is operated, arising from a rail incident or accident occurring in the state and resulting from the operation of a special passenger train by the person or upon the person's tracks, shall not exceed ten million dollars for each occurrence whether for compensatory or punitive damages.

2. This section shall not limit the liability of a person whose intentional misconduct causes a rail incident or accident.

3. The person operating a special passenger train shall maintain insurance coverage of not less than ten million dollars per occurrence with the person and the railroad corporation over whose tracks the special passenger train is operated, as named insureds. Such insurance shall not have a self-insured retention or deductible greater than one hundred thousand dollars. A person shall provide evidence of such coverage upon demand of the director of the department of insurance or by the railroad corporation over whose tracks the special passenger train is to be operated."; and

Further amend the title and enacting clause accordingly.

Senator Wiggins moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 4

Amend House Bill No. 876, Page 9, Section 1, Line 49, by inserting immediately after said line, the following:

"Section 2. 1. Notwithstanding any other law to the contrary, the liability of any person owning or operating a special passenger train and any railroad corporation over whose tracks the special passenger train is operated, arising from a rail incident or accident occurring in the state and resulting from the operation of a special passenger train by the person or upon the person's tracks, shall not exceed 100 million dollars for each occurrence whether for compensatory or punitive damages.

2. This section shall not limit the liability of a person whose intentional misconduct causes a rail incident or accident.

3. The person operating a special passenger train shall maintain insurance coverage of not less than 100 million dollars per occurrence with the person and the railroad corporation over whose tracks the special passenger train is operated, as named insureds. Such insurance shall not have a self-insured retention or deductible greater than one million dollars. A person shall provide evidence of such coverage upon demand of the director of the department of insurance or by the railroad corporation over whose tracks the special passenger train is to be operated."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 4 was again taken up.

At the request of Senator Wiggins, the above amendment was withdrawn.

On motion of Senator Goode, **HB 876**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney

Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Bentley	House--2
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Absent with leave--Senators

Scott	Singleton--2
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The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Wayman F. Smith, 6159 Lindell Boulevard, St. Louis City, Missouri 63112, as a member of the Board of Police Commissioners-St. Louis City, for a term ending January 31, 2000, and until his successor is duly appointed and qualified; vice, Charles E. Mischeaux, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeffrey S. Jamieson, 6220 Itaska, St. Louis City, Missouri 63109, as a member of the Board of Police Commissioners-St. Louis City, for a term ending January 1, 1999, and until his successor is duly appointed and qualified; vice, Matthew J. Padberg, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 13, 1996

TO THE SENATE OF THE 88th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Sharon M. Busch, Democrat, 2503 Greentree Road, Jefferson City, Cole County, Missouri 65101, as a member of the Administrative Hearing Commission, for a term ending October 13, 2001, and until her successor is duly appointed and qualified; vice, Robert Smith, resigned.

Respectfully submitted,

MEL CARNAHAN

Governor

President Pro Tem Mathewson referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1413, regarding Sergeant Ralph Wayne Robinett, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Moseley introduced to the Senate, the Physician of the Day, Dr. Betsy Garrett, M.D., Columbia.

Senator Howard introduced to the Senate, his son, John Trevor Howard, Mehlville.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Tuesday, May 14, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-THIRD DAY--TUESDAY, MAY 14, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, James wrote, "Every good and every perfect gift is from above." We are thankful for gifts. We sometimes feel guilty when we have so much and there are so many who have little. We pray that You will help us to use what we have to lighten the burden of someone else. Prevent us from seeking things for ourselves. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1414, regarding Sheriff Jack Reynolds, Henry County, which was adopted.

Senator Westfall offered Senate Resolution No. 1415, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Ralph Melton, Dadeville, which was adopted.

Senator Westfall offered Senate Resolution No. 1416, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James I. Snow, which was adopted.

Senator Caskey requested unanimous consent of the Senate for the conference committee on **SCS** for **HS** for **HCS** for **HBs 1301 and 1298**, as amended, to meet while the Senate is in session, which request was granted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SB 888**, entitled:

An Act to repeal sections 144.020 and 144.025, RSMo 1994, and sections 144.011 and 144.030, RSMo Supp. 1995, relating to sales and use taxes, and to enact in lieu thereof six new sections relating to the same subject, with an effective date.

With House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, House Substitute Amendment No. 1 for House Amendment No. 17, House Amendments Nos. 18, 19, 21, 22, 23, 24 and 26.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Pages 23, 24 and 25, Sections 1 and 2, by deleting all of said sections.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 14, Section 144.030, Line 11, by inserting after the word "plant" the following: "**but shall not include motor vehicles used on highways. For the purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning ascribed to them in section 301.010, RSMo.**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 9, Section 144.025, Line 15, by inserting immediately before the word "allowance" on said line the word "actual".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, by adding to the end of said substitute the following:

"144.070. 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the automobile, trailer, boat, or outboard motor as otherwise provided by law, [he] **such owner** shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied

for the sale of the same under sections 144.010 to 144.510 has been paid as herein provided or is registered under the provisions of subsection 5 of this section.

2. As used above, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by [him] **the director** upon such application an entry showing that such sales tax has been paid or that the vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing company. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

(2) Is authorized to do business in Missouri;

(3) [Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail within the meaning of subdivision (9) of subsection 1 of section 144.010;

(4)] Has registered under the fictitious name provisions of sections 417.200 to 417.230, RSMo, each of its divisions doing business in Missouri as a leasing company; and

[(5)] **(4)** Operates each of its divisions on a basis separate from each of its other divisions.

7. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided hereinabove, [he] **such owner** shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all vehicles, trailers, boats, and outboard motors held for renting and leasing are included."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 1, In the Title, Line 2, by inserting after the word "sections" the following: "94.705, 94.745,"; and

Further amend said bill, Page 1, In the Title, Line 5, by deleting the word "six" and inserting in lieu thereof the following: "eight"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "Sections" the following: "94.705, 94.745,"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the word "six" and inserting in lieu thereof the following: "eight"; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after the word "sections" the following: "94.705, 94.745,"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

"94.705. 1. Any city may by a majority vote of its governing body impose a sales tax for transportation purposes enumerated in sections 94.700 to 94.755, [but no such] **and issue bonds for transportation purposes which shall be retired by the revenues received from the sales tax authorized by this section. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law. No ordinance imposing a sales tax pursuant to the provisions of this section** shall become effective unless the council or other governing body submits to the voters of the city, at a city or state general, primary, or special election, a proposal to authorize the council or other governing body of the city to impose such a sales tax **and, if such tax is to be used to retire bonds authorized pursuant to this section, to authorize such bonds and their retirement by such tax;** except that no vote shall be required in any city that imposed and collected such tax under sections 94.600 to 94.655, before January 5, 1984. The ballot of the submission shall contain, but is not limited to, the following language:

(1) If the proposal submitted involves only authorization to impose the tax authorized by this section, the following language:

Shall the city of (city's name) impose a sales tax of (insert amount) for transportation purposes?

☐ Yes ☐ No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No"[];

(2) If the proposal submitted involves authorization to issue bonds and repay such bonds with revenues from the tax authorized by this section, the following language:

Shall the city of (city's name) issue bonds in the amount of (insert amount) for transportation purposes and impose a sales tax of (insert amount) to repay such bonds?

☐ YES ☐ NO

If you are in favor of the question place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the votes cast on the proposal, **provided in subdivision (1) of this subsection**, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect. **If the four-sevenths majority of the votes, as required by the Missouri Constitution, article VI, section 26, cast on the proposal, provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, by the qualified voters voting thereon are in favor of the proposal, then the ordinance and any amendments thereto shall be in effect.** If a majority of the votes cast on the proposal, as provided in subdivision (1) of this subsection, by the qualified voters voting are opposed to the proposal, then the council or other governing body of the city shall have no power to impose the tax [herein] authorized **in subdivision (1) of this subsection** unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of

the city to impose the tax and such proposal is approved by a majority of the qualified voters voting thereon. **If more than three-sevenths of the votes cast by the qualified voters voting are opposed to the proposal, as provided in subdivision (2) of this subsection to issue bonds and impose a sales tax to retire such bonds, then the council or other governing body of the city shall have no power to issue any bonds or to impose the tax authorized in subdivision (2) of this subsection unless and until the council or other governing body of the city submits another proposal to authorize the council or other governing body of the city to issue such bonds or impose the tax to retire such bonds and such proposal is approved by four-sevenths of the qualified voters voting thereon.**

2. No incorporated municipality located wholly or partially within any first class county operating under a charter form of government and having a population of over nine hundred thousand inhabitants shall impose such a sales tax for that part of the city, town or village that is located within such first class county, in the event such a first class county imposes a sales tax under the provisions of sections 94.600 to 94.655.

3. The sales tax may be imposed at a rate not to exceed one-half of one percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within any city adopting such tax, if such property and services are subject to taxation by the state of Missouri under the provisions of sections 144.010 to 144.525, RSMo.

4. If the boundaries of a city in which such sales tax has been imposed shall thereafter be changed or altered, the city clerk shall forward to the director of revenue by United States registered mail or certified mail a certified copy of the ordinance adding or detaching territory from the city. The ordinance shall reflect the effective date thereof, and shall be accompanied by a map of the city clearly showing the territory added thereto or detached therefrom. Upon receipt of the ordinance and map, the tax imposed by sections 94.700 to 94.755 shall be effective in the added territory or abolished in the detached territory on the effective date of the change of the city boundary.

5. No tax imposed pursuant to this section for the purpose of retiring bonds issued pursuant to this section may be terminated until all of such bonds have been retired.

94.745. 1. All moneys received by a city imposing a sales tax under the provisions of sections 94.700 to 94.755 shall be deposited by the city treasurer, or other city officer authorized by ordinance, in a special fund to be known as the "City Transportation Trust Fund". All moneys in such transportation trust fund shall be appropriated and disbursed only for transportation purposes as enumerated in sections 94.700 to 94.755. **The provisions of this subsection shall apply only to taxes authorized by sections 94.700 to 94.755 which have not been imposed to retire bonds issued pursuant to sections 94.700 to 94.755.**

2. All moneys received by a city which issues bonds pursuant to the provisions of section 94.705 and imposes the tax authorized by such section to retire such bonds shall be deposited in a special trust fund and shall be used solely to retire such bonds, except to the extent that such funds are required for the operation and maintenance of the capital improvements made with the proceeds of the bonds. Once all of such bonds have been retired, all funds remaining in the special trust fund required by this subsection shall be used solely for transportation purposes. Any funds in the special trust fund required by this subsection which are not needed to meet current obligations under the bonds issued pursuant to section 94.705 may be invested by the governing body in accordance with applicable laws relating to the investment of other municipal funds. The provisions of this subsection shall apply only to taxes authorized by section 94.705 which have been imposed to retire bonds issued pursuant to such section.

[2.] **3.** Any portion or all of the funds on deposit in a transportation trust fund may be appropriated and paid by a city directly to an interstate transportation authority, a city transit authority or a city utilities board for its general purposes in providing a public mass transportation system within an interstate transportation district or a municipality; provided that, before such funds may be appropriated and paid to any such interstate transportation authority, city transit authority or city utilities board with a service area population in excess of two million persons, such authority or board shall develop, for mutual agreement, a program of transit service to be provided to the city. Such program shall define the service to be provided, the fare structure to be in effect, the estimated cost of the total transit service program of the authority or board, and the estimated cost of the city's portion of the program. Such agreement shall be renewed prior to the beginning of each fiscal year and, when such agreement is reached, the city shall appropriate to the authority or

board funds as are designated in the agreement for the period of the agreement. A city may designate by contract with an interstate transportation authority, a city transit authority or a city utilities board that a designated portion of such funds shall be used by the interstate transportation authority, the city transit authority or the city utilities board to provide specific service or frequency of service to underwrite a certain fare structure, or for any other purposes consistent with providing a sound public mass transportation system.

[3.] **4.** Any provisions of sections 94.700 to 94.755 to the contrary notwithstanding, at least seven percent of the proceeds of any sales tax imposed under sections 94.700 to 94.755 that are appropriated and paid by a city to an interstate transportation authority, a city transit authority or a city utilities board shall be expended only for the purchase of new public mass transportation equipment, for the construction of public mass transportation facilities, or for any other capital expenditures or improvements to the property of the interstate transportation authority, city transit authority or city utilities board used in providing public mass transportation service, or to pay the interest or principal payments, or to satisfy sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued for any of the above purposes.

[4.] **5.** Any provisions of sections 94.700 to 94.755 to the contrary notwithstanding, at least seven percent of the proceeds of any sales tax imposed under sections 94.700 to 94.755 that are appropriated and expended by a city for its general purposes in providing a public mass transportation system directly owned and operated by it shall be expended only for the purpose of new public mass transportation equipment, for the construction of public mass transportation facilities, or for any other capital expenditures or improvements to its properties used in providing public mass transportation service, or to pay the interest or principal payments, or to satisfy the sinking fund requirements on any negotiable notes or bonds or other instruments in writing issued for any of the above purposes.

[5.] **6.** No funds may be appropriated and paid to any such transportation authority, transit authority or utilities board, unless and until such authority or board shall file or shall have filed with the city paying such funds, and the secretary of state of the state of Missouri, annually and within six months after the close of such authority or board's fiscal year, an independently audited report and accounting as to such authority or board's management and administration of any and all funds received and expended by such authority or board.

[6.] **7.** Transportation authorities operating a public mass transportation system under sections 94.700 to 94.755 shall provide for interior and exterior advertising on each vehicle for mass transportation purposes."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 10, Section 144.025, Line 8, by striking out the words "ninety days" and inserting in lieu thereof the words "**one year**"; and

Further amend said bill, page 10, section 144.025, line 14, by striking out the words "ninety days" and inserting in lieu thereof the words "**one year**"; and

Further amend said bill, page 10, section 144.025, line 18, by striking out the word "ninety-day" and inserting in lieu thereof the words "**one year**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 23, Section 144.030, Line 19, by inserting after the word "**competition**" the following:

";

(32) All membership fees or annual dues paid to any not-for-profit athletic association".

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 1, In the Title, Lines 2

through 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 144.025, RSMo 1994, and sections 135.352, 144.010, 144.011 and 144.030, RSMo Supp. 1995, relating to taxes, and to enact in lieu thereof eight new sections"; and

Further amend said bill, Page 1, Section A, Line 1, by inserting after the word "sections" the following: "135.352,"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "seven" and inserting in lieu thereof the following: "eight"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting all of said line and inserting in lieu thereof the following: "sections 135.352, 144.010, 144.011, 144.025, 144.030, 1, 2 and 3, to read as follows:

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall be allowed a state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing tax credit, if the commission issues an eligibility statement for that project.

2. The Missouri low-income housing tax credit available to a project shall be calculated by multiplying an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, by twenty percent and such amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

3. The Missouri low-income housing tax credit shall be taken against the taxes and in the order specified under section 32.115, RSMo. The credit authorized by this section shall not be refundable. Any amount of credit that exceeds the tax due for a taxable year may be carried back to any of the three prior taxable years or carried forward to any of the five subsequent taxable years.

4. Notwithstanding the provisions of subsection 2 of this section, for qualified Missouri projects that are located in counties identified by the state of Missouri as eligible for disaster relief as a result of the flood of 1993, or in counties immediately adjoining such counties, and for which federal low-income housing tax credits are allocated in the year of 1994, 1995 [or], 1996, **1997, 1998, 1999 or 2000**, or for such longer period as is required to implement the Missouri comprehensive housing affordability strategy developed pursuant to section 105 of the Cranston-Gonzalez National Affordable Housing Act for such counties, the Missouri low-income housing tax credit available to such project shall be calculated by multiplying an amount equal to the federal low-income housing tax credit for a qualified Missouri project, for a federal tax period, by forty percent.

5. All or any portion of Missouri tax credits issued in accordance with the provisions of sections 135.350 to 135.362 may be allocated to parties who are eligible under the provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the amount of credit allocated to each taxpayer. The owner of the project shall provide to the director appropriate information so that the low-income housing tax credit can be properly allocated.

6. In the event that recapture of Missouri low-income housing tax credits is required pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in this section shall include the proportion of the state credit required to be recaptured, the identity of each taxpayer subject to the recapture and the amount of credit previously allocated to such taxpayer.

7. The director of the department may promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 10, Section 144.030, Line 123, by inserting after the word "crops," the words "**all sales of oil and grease used solely for agricultural purposes**".

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, page 25, section 144.030, line 19, by inserting after said line the following:

"144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not for profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not for profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor, **architect or engineer** be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor, **architect or engineer** or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor, **architect or engineer** or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor, **architect or engineer** an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor, **architect or engineer** shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor, **architect or engineer** purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor, **architect or engineer** invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor, **architect or engineer** for a period of five years and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor, **architect or engineer** under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor, **architect or engineer** not later than the due date of the contractor's, **architect's or engineer's** Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor, **architect or engineer** or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

429.015. 1. Every registered architect or corporation registered to practice architecture, every registered professional engineer or corporation registered to practice professional engineering, every registered landscape architect or corporation registered to practice landscape architecture, **every nurseryman**, and every registered land surveyor or corporation registered to practice land surveying, who does any landscape architectural, architectural, engineering or land surveying work upon or performs any landscape architectural, architectural, engineering or land surveying service directly connected with the erection or repair of any building or other improvement upon land under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of this chapter, shall have for [his] **such person's** landscape architectural, architectural, engineering or land surveying work or service so done or performed, a lien upon the building or other improvements and upon the land belonging to the owner or proprietor on which the building or improvements are situated, to the extent of one acre. If the building or other improvement is upon any lot of land in any town, city or village, then the lien shall be upon such building or other improvements, and the lot or land upon which the building or other improvements are situated, to secure the payment for the landscape architectural, architectural, engineering or land surveying work or service so done or performed. For purposes of this section, a corporation engaged in the practice of architecture, engineering, landscape architecture, or land surveying, shall be deemed to be registered if the corporation itself is registered under the laws of this state to practice architecture, engineering or land surveying[, or if any officer thereof, who owns more than fifty percent of the capital common stock of such corporation, is registered under the laws of this state as an architect, engineer, landscape architect, or land surveyor, and such registration of the corporation shall be effective as of the original date of registration of such principal stockholder].

2. Every mechanic or other person who shall do or perform any work or labor upon or furnish any material or machinery for the digging of a well to obtain water under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, upon complying with the provisions of sections 429.010 to 429.340 shall have for [his] **such person's** work or labor done, or materials or machinery furnished, a lien upon the land belonging to such owner or proprietor on which the same are situated, to the extent of one acre, to secure the payment of such work or labor done, or materials or machinery furnished as aforesaid.

3. Every mechanic or other person who shall do or perform any work or labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the purpose of demolishing or razing a building or structure under or by virtue of any contract with the owner or proprietor thereof, or [his] **such owner's or proprietor's** agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for [his] **such person's** work or labor done, or materials, fixtures, engine, boiler or machinery furnished, a lien upon the land belonging to such owner or proprietor on which the same are situated, to the extent of one acre. If the building or buildings to be demolished or razed are upon any lot of land in any town, city or village, then the lien shall be upon the lot or lots or land upon which the building or other improvements are situated, to secure the payment for the labor and

materials performed.

4. The provisions of sections 429.030 to 429.060 and sections 429.080 to 429.430 applicable to liens of mechanics and other persons shall apply to and govern the procedure with respect to the liens provided for in subsections 1, 2 and 3 of this section.

5. Any design professional or corporation authorized to have lien rights under subsection 1 of this section shall have a lien upon the building or other improvement and upon the land, whether or not actual construction of the planned work or improvement has commenced if:

(1) The owner or proprietor thereof, or such owner's or proprietor's agent or trustee contracted for such professional services directly with the design professional or corporation asserting the lien;

(2) The owner or proprietor is the owner or proprietor of such real property either at the time the contract is made or at the time the lien is filed; and

(3) The design professional or corporation files with the recorder of deeds in the county where the property is located a notice of intent to lien listing the name and address of the claimant, the name and address of the person with whom the claimant contracted, the amount owed, the address or legal description, if known, of the property, and the last date of services performed by the claimant or the claimant's subconsultants. Such notice shall be filed within three months from the date of the claimant's last work on the property. The recorder of deeds may charge a fee of one dollar for each notice filed and recorded pursuant to this subdivision. The notice described in this subdivision shall not be required if actual construction of improvements begins within three months from the date the claimant completed the claimant's work on the property.

6. If such property is purchased by a bona fide purchaser before a notice of intent to lien is recorded, the purchaser may take the property free of any such lien unless construction commences within six months of the design professional's last work related to improvement of the property.

7. Priority between such lien claimant and any other mechanic's lien claimant shall be determined pursuant to the provisions of section 429.260 on a pro rata basis."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 10, Section 144.025, Line 21, by inserting after said line the following:

"As used in this section, the term "motor vehicle" includes motor vehicles as defined in section 301.010, RSMo, recreational vehicles as defined in section 700.010, RSMo, or a combination of a truck as defined in section 301.010, RSMo, and a trailer as defined in section 301.010, RSMo."; and

Further amend said bill by renumbering the remainder of section 144.025.

HOUSE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 19, Section 144.030, Line 14, by inserting after the word "tractors" the following ", post hole diggers,".

HOUSE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 12, Section 144.030, Line 9, by deleting the words "to be sold"; and

Further amend said bill, line 13, by deleting the words "ultimately in processed form or otherwise at retail".

HOUSE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 13, Section 144.030, Line 19, by placing an open bracket "[" before the word "replaced"; and

Further amend said bill, Page 13, Section 144.030, Line 20 by placing a closing bracket "]" before the word "purchased".

HOUSE AMENDMENT NO. 16

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 25, Section 2, Line 6, by inserting after said line the following:

"476.405. 1. Within the limits of any appropriation made for this purpose, the salary fixed by sections 211.381, 211.393, 477.130, 478.013, 478.018, 483.083, **483.163**, and 485.060, RSMo, may be adjusted in any one year by a salary adjustment. The salary adjustment shall not exceed the salary adjustment for the executive department contained in the pay plan applicable to other state employees at a similar salary level for that fiscal year. If no salary adjustment or a lower salary adjustment is granted pursuant to this section than is granted the executive department in any year, then the salary adjustment granted pursuant to this section in the next fiscal year may exceed the salary adjustment of the executive department by the amount of the difference in the prior year.

2. The amount of a salary adjustment to be approved pursuant to this section shall be stated in a separate line item of the appropriation bill. A salary adjustment approved pursuant to this section shall be added to the statutory salary and the sum of these amounts shall be the statutory salary of the office for all purposes. This statutory salary shall be included in the appropriation bill in the same manner as any other personal service appropriation involving a statutory salary.

3. The office of administration shall maintain a compensation schedule for each fiscal year indicating the highest statutory salary paid for each office specified in sections 211.381, 211.393, 477.130, 478.013, 478.018, 483.083, **483.163**, and 485.060, RSMo, and the salary adjustment contained in the pay plan applicable to other state employees generally. The schedule shall be open for public inspection and shall be annually included in the Missouri Register and an appendix to the Revised Statutes of Missouri. For each office for which a salary adjustment is approved pursuant to this section, the revisor of statutes shall place a revisor's note following each section providing compensation for the office referencing the reader to the compensation index.

483.163. 1. Each circuit clerk, except the circuit clerk in any city not within a county, shall cooperate with the prosecuting attorney and division of child support enforcement in the investigation and documentation of possible criminal nonsupport under section 568.040, RSMo, which involves any case or cases for which the clerk is trustee.

2. Other provisions of law to the contrary notwithstanding, for the performance of duties prescribed in subsection 1 of this section, each circuit clerk, except the circuit clerk in any city not within a county, in addition to any other compensation provided by law, shall receive five thousand dollars per year beginning January 1, 1997. Such compensation shall be payable in equal installments in the same manner and at the same time as other compensation is paid to the circuit clerk.

3. For every year beginning July 1, 1998, the amount of compensation established in subsection 2 of this section shall be adjusted by any salary adjustment authorized under section 476.405, RSMo.

4. If monies are not sufficient to pay the increased compensation as provided in this section, revenues from applicable local sales taxes may be used."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 17

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 1, Section A, Line 4 by inserting after said line the following:

143.124. 1. **Notwithstanding** other provisions of law to the contrary [notwithstanding], the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person, **or the total amount of all annuities, pensions or retirement allowances above the amount of two thousand dollars for tax years beginning on or after January 1, 1998, but before January 1, 1999, and above the amount of four thousand dollars for tax years beginning on or after January 1, 1999, but before January 1, 2000, and above the amount of six thousand dollars for tax years beginning on or after January 1, 2000, provided to any person through any privately funded annuity, pension or retirement allowance,** except as provided in subsection 4 of this section, shall be subject to tax [under] **pursuant to** the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state **or an annuity, pension or retirement allowance provided by any privately funded source.**

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer **if the following requirements are satisfied:**

(1) [If] The taxpayer's filing status is single, head of household or qualifying widow(er) and [his] **the taxpayer's** Missouri adjusted gross income is less than twelve thousand five hundred dollars; or

(2) [If] The taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or

(3) [If] The taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer **from sources other than privately funded sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.143, the first two thousand dollars of retirement benefits received from privately funded sources for tax years beginning on or after January 1, 1998, but before January 1, 1999, and the first four thousand dollars of retirement benefits received from privately funded sources for tax years beginning on or after January 1, 1999, but before January 1, 2000, and the first six thousand dollars of retirement benefits received from privately funded sources for tax years beginning on or after January 1, 2000, if the following requirements are satisfied:**

(1) [If] The taxpayer's filing status is single, head of household or qualifying widow(er) and [his] **the taxpayer's** Missouri adjusted gross income is less than twenty-five thousand dollars; or

(2) [If] The taxpayer's filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(3) [If] the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than sixteen thousand dollars.

4. To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be

subtracted for purposes of other computations [under] **pursuant to** this chapter, and are not to be considered as retirement benefits for purposes of this section.

5. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this section shall be accordingly adjusted to the same exemption levels.

6. For each tax year beginning on or after January 1, 1990, the portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated [under] **pursuant to** this chapter, but subject to taxation [under] **pursuant to** Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

7. The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

8. The provisions of this section shall apply to all other annuities, pensions and retirement allowances as subsequently defined and provided by law for tax years beginning on or after January 1, 1991. "; and

Further amend said bill, Page 9, Section 144.020, Line 1, by inserting after said line the following:

"144.022. To comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution, the governor may require the director of revenue to suspend collection of a portion of the state sales and use tax. The portion so suspended may be up to, but not in excess of, three percent of the purchase price paid or charged for food sold at retail businesses which are authorized as participants in the federal food stamp program, except that beginning July 1, 1996 and until July 1, 1997, the rate shall be suspended by two percent. For the purposes of this section, the term "food" shall include only those articles of food which are authorized under the federal food stamp program to be redeemable for food stamps. During any fiscal year in which the commissioner of administration certifies that total state revenues are reasonably projected to be in excess of the limitation established in sections 16 and 18 of article X of the Missouri constitution, the governor, by executive order, shall direct and specify the amount of sales and use tax collections which the director shall suspend. Other laws to the contrary notwithstanding, the director of revenue shall suspend collection of the amount directed by an executive order issued pursuant to this section. The tax collected on transactions shall be proportionately reduced during the period the executive order issued pursuant to this section is in effect. Any suspension in the state sales and use tax collections shall continue for the period deemed necessary in the executive order to comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution but shall not extend past the fiscal year in which the executive order was issued."; and

Further amend said bill, Page 23, Section 144.030, Line 19 by inserting after said line the following:

144.140. **1.** From every remittance to the director of revenue made on or before the date when the same becomes due, the person required to remit the same shall be entitled to deduct and retain an amount equal to two percent thereof.

2. Any person who is required to collect and remit the tax of which a portion may be suspended pursuant to section 144.022 shall be allowed to retain, in addition to the amount in subsection 1 of this section, two percent of the portion of the remaining tax subsequent to a suspension pursuant to section 144.022 that is not held and distributed in the manner provided in section 144.701 and section 163.031, RSMo."; and

Further amend said bill, Page 25, Section B, Lines 7 and 8, by deleting said lines and inserting in lieu thereof the following:

"Section B. Because immediate action is necessary to stimulate the economy of this state, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety and is hereby declared

to be an emergency act within the meaning of the constitution, and section A of this act shall become effective upon its passage and approval by the governor or on July 1, 1996, whichever occurs later."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 18

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 1, Section A, Line 4, by inserting after said line the following:

"92.045. 1. Any [constitutional charter] city in this state [which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census,] is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities.

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 19

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 17, Section 18, Line 13, by inserting after the word "**including**", "medical oxygen".

HOUSE AMENDMENT NO. 21

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 9, Section 144.025, Line 5, by deleting "**in this chapter**"; and

Further amend said bill, page 9, section 144.025, line 17, by deleting "**under this chapter**".

HOUSE AMENDMENT NO. 22

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, by adding to the end of said bill the following:

"143.782. As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

(1) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort, or operation of law regardless of whether there is an outstanding judgment for that sum, or any support obligation which is being enforced by the division of family services on behalf of a person who is receiving support enforcement services pursuant to section 454.425, RSMo;

(2) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

(3) "Department", the department of revenue of the state of Missouri;

(4) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer [under]

pursuant to the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo; and

(5) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri, **including, public community college districts.**"; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 23

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 17, Section 144.030, Line 9, by inserting after the word "insulin" the words "**, syringes used for medical purposes**".

HOUSE AMENDMENT NO. 24

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 23, Section 144.030, Lines 13 and 14, by striking out the words "of a least four integrated facilities".

HOUSE AMENDMENT NO. 26

Amend House Substitute for House Committee Substitute for Senate Bill No. 888, Page 25, Section 144.030, Line 9, Section B, by adding to end of section (at bottom of page) "other provisions of this bill notwithstanding, that at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 1996, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following ballot question which shall include, but not be limited to, this language: "Shall the state of Missouri repeal the state general sales tax on food?".

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HS** for **HCS** for **SB 888**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SB 560**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SCA 1** to **HB 979** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HB 1368**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that House refuses to recede from its position on **SB 664**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 589**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 589, Page 1, In the Title, Lines 2 through 3, by deleting all of said lines and inserting in lieu thereof the following: "To repeal section 386.310, RSMo 1994, relating to public utilities, and to enact in lieu thereof five new sections relating to the"; and

Further amend said bill, Page 1, Section A, Lines 1 through 2, by deleting all of said lines and inserting in lieu thereof the following: "Section A. Section 386.310, RSMo 1994, is repealed and five new sections enacted in lieu thereof, to be known as sections 386.310, 1, 2, 3 and 4, to read"; and

Further amend said bill, Page 3, Section 386.310, Line 64, by inserting after all of said line the following:

"Section 1. As used in sections 1 to 4 of this act, the following terms mean:

(1) "Educational institution" or "institu-tion":

(a) All institutions of higher education in this state which receive any funding from the state, and all divisions and offices thereof; and

(b) All school districts which maintain any elementary or secondary school, and all divisions and offices thereof;

(2) "Utility" or "utility service", electric, natural gas, water, sewer and local and long distance telephone services, and energy conservation agreements.

Section 2. 1. Each educational institution shall keep all records, correspondence and copies of utility bills for five years in complete and orderly form to facilitate the technical audit required by sections 1 to 4 of this act.

2. Each educational institution shall be required to contract with an independent technical Missouri-based auditing company knowledgeable of the specific tariffs of the various utility and telecommunications providers operating within the state of Missouri.

3. Each independent technical auditing company utilized in the performance of the technical audits required by sections 1 to 4 of this act shall meet a minimum set of requirements of qualifications before performing an audit engagement. The state auditor shall prepare a qualifications statement document that shall be used by all educational institutions to determine the technical audit company's qualifications. The state auditor shall promulgate the qualifications statement documents as a rule pursuant to the provisions of chapter 536, RSMo. The institution performing the technical audit shall select the technical audit contractor.

Section 3. 1. Each technical audit performed pursuant to sections 1 to 4 of this act shall seek to uncover errors and mistakes in the historical billing records of utility bills paid by the institution over the preceding five-year period. The technical audit shall seek to uncover nonconformance by the utility with the utility's tariff rates and rules and regulations and result in overcharges to the institution.

2. The technical audit shall seek refunds or credits or both from the utility for all errors and mistakes uncovered in performance of the technical audit. The technical audit shall seek to reduce the monthly cost of utility billings. All cost reductions proposed shall be in the form of recommendations by the contractor to the contracting institution. The institution may accept or reject any cost reduction recommendation. The institution

shall not accept any cost reduction recommendation that has, as a requirement of that recommendation, an additional cost, such as the purchase and installation or alteration of equipment, except in cases relating to gas transportation. The cost reduction recommendations of the technical audit shall be limited in scope to no out-of-pocket cost methods for achieving the cost reduction. Cost reduction methods such as identification of better tariff rates, meter consolidations, telecommunications inventory reconciliation and other types of no cost to the institution methods of cost reduction shall be acceptable for the purpose of this section.

Section 4. 1. Each institution entering into a contract for the performance of a technical audit shall acquire from the office of the state auditor a copy of the qualifications statement document as prepared in accordance with section 2 of this act.

2. Each institution shall use the qualifications statement document as the basis of determination that any prospective technical audit contractor is, in fact, qualified to perform a technical audit.

3. All technical audits performed as a requirement of sections 1 to 4 of this act shall be performed pursuant to written contingency-based payment contracts. Compensation to contractors for performance of the technical audits shall be limited to a maximum payment of fifty percent of the dollars or credits recovered for the institution as a direct result of the technical audit. The compensation paid for cost reduction recommendations that the institution accepts and implements shall be limited to fifty percent of the cost savings realized for one year from the date the recommendations are implemented.

4. The institution may not implement a cost reduction recommendation that it has rejected for a period of three years after such rejection."

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 769**, entitled:

An Act to repeal sections 595.025 and 595.045, RSMo 1994, relating to the crime victims' compensation fund, and to enact in lieu thereof two new sections relating to the same subject.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 769, Page 2, Section 595.045, Line 2, by deleting the word "fee" and inserting in lieu thereof the following: "[fee] **surcharge**"; and

Further amend said bill, page 2, section 595.045, line 3, by deleting all of said line and inserting in lieu thereof the following: "in the state [for violation of a] **in all criminal [law] cases including violations of any county ordinance or any violation of criminal or traffic laws** of the state, including an infraction and violation of a"; and

Further amend said bill, page 2, section 595.045, line 4, by deleting the words "or county" and inserting in lieu thereof the following: "[or county]"; and

Further amend said bill, page 2, section 595.045, line 4, by inserting after the word "that" the following "["; and

Further amend said bill, page 2, section 595.045, line 6, by inserting after the words "safety laws, and" the following: "]""; and

Further amend said bill, page 2, section 595.045, lines 8 through 9, by deleting all of said lines and inserting in lieu thereof the following: "been dismissed by the court or when costs are to be paid by the state, county, or municipality [on

behalf of an indigent defendant. A fee] **A surcharge**"; and

Further amend said bill, page 2, section 595.045, line 12, by deleting all of said line and inserting in lieu thereof the following: "2. The moneys collected by clerks of the courts [, except municipal clerks, under] **pursuant to**"; and

Further amend said bill, page 2, section 595.045, line 13, by deleting the word "paid" and inserting in lieu thereof the following: "[paid] **collected and disbursed**"; and

Further amend said bill, page 3, section 595.045, line 14, by inserting after the word "RSMo" the following: ", **and shall be payable to the director of the department of revenue**"; and

Further amend said bill, page 3, section 595.045, line 50, by inserting after the words "shall be" the following: "["; and

Further amend said bill, page 4, section 595.045, line 52, by deleting all of said line and inserting in lieu thereof the following: "(2)] Five percent **of such moneys** shall be [paid into] **payable monthly to the city treasury of the city from which such funds were collected.** [The director of revenue shall deposit"; and

Further amend said bill, page 4, section 595.045, line 58, by deleting the figure "(3)" and inserting in lieu thereof the following: "**The remaining ninety-five percent of such moneys shall be payable monthly to the director of revenue.**"; and

Further amend said bill, page 4, section 595.045, line 60, by deleting the letter "(a)" and inserting in lieu thereof the following: "(1)"; and

Further amend said bill, page 4, section 595.045, line 64, by deleting the letter "(b)" and inserting in lieu thereof the following: "(2)"; and

Further amend said bill, page 4, section 595.045, line 71, by deleting the letter "(c)" and inserting in lieu thereof the following: "(3)"; and

Further amend said bill, page 4, section 595.045, line 78, by inserting after the word "auditor" the following: "**and such audit shall include all records associated with crime victims' compensation matters at all levels of the court administration and throughout any state agency**"; and

Further amend said bill, page 4, section 595.045, line 80, by inserting after the word "judgment" the following: "**in favor of the state of Missouri, payable monthly to the crime victims' compensation fund,**"; and

Further amend said bill, page 5, section 595.045, line 102, by inserting after the word "deposited" the following: "**monthly**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **HB 991**, as amended: Representatives: Koller, Bray, VanZandt, Ostmann, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SB 560**, as amended: Representatives: May (108), Sheldon, O'Toole, Ross, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SB 664**, as amended: Representatives: Hartzler, Copeland, Leake, Treadway, Richardson.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 525**.

With House Committee Amendment No. 1

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 525, Page 5, Section 209.259, Line 14, by inserting after said line the following:

"Section 1. Telecommunications companies shall ensure, if readily achievable as defined by federal law 42 U.S.C.A. section 12181(9), that high quality existing and new telecommunications services are available, accessible and usable by individuals with disabilities, unless making the services available, accessible or usable would result in an undue burden, including unreasonable costs or technical infeasibility, or would have an adverse competitive effect."; and

Further amend said bill by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SB 664**, as amended: Senators Klarich, Melton, Caskey, Quick and Maxwell.

PRIVILEGED MOTIONS

Senator McKenna moved that the Senate refuse to recede from its position on **SCA 1** to **HB 979** and grant the House a conference thereon, which motion prevailed.

Senator McKenna moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HB 1368**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 560**, as amended: Senators Goode, Graves, Lybyer, Sims and Staples.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HB 979**, as amended: Senators McKenna, Curls, Maxwell, Klarich and Westfall.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HS** for **HCS** for **HB 1368**, as amended: Senators McKenna, Clay, DePasco, Treppler and Westfall.

PRIVILEGED MOTIONS

Senator Goode moved that the Senate refuse to concur in **HA 1** to **SB 589** and request the House to recede from its position, which motion prevailed.

Senator Quick moved that **SB 769**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 769**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 769

An Act to repeal sections 595.025 and 595.045, RSMo 1994, relating to the crime victims' compensation fund, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Quick moved that **HCS** for **SB 769**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Curls--2
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Absent with leave--Senator Scott--1

On motion of Senator Quick, **HCS** for **SB 769**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Clay	Curls	Graves--3
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

President Wilson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Moseley moved that **SB 525**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senator Clay--1

Absent with leave--Senators--None

On motion of Senator Moseley, **SB 525**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay Kinder--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 3 was again taken up.

At the request of Senator Maxwell, the above amendment was withdrawn.

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 76, Section 144.030, Line 4, by inserting after the word "plant", the following:

"but shall not include motor vehicles used on highways. For the purposes of this section, the terms "motor vehicle" and "highway" shall have the same meaning pursuant to section 301.010, RSMo."; and

Further amend said bill, page 6, Section 32.105, line 1, by inserting after the word "**projects**", the following:

"and affordable housing assistance as defined in section 32.111, RSMo".

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 98, Section 338.196, Line 12, by inserting immediately after said line the following:

"349.010. As used in sections 349.010 to 349.100, unless the context otherwise requires, the following words and terms shall have the meanings indicated:

(1) "Corporations" means any authority organized pursuant to the provisions of sections 349.010 to 349.100.

(2) "County and municipality". "County" means any county in the state. "Municipality" means any city, incorporated town or village in the state.

(3) "Governing body" shall mean the board or body in which the general legislative powers of the county or municipality are vested.

(4) "Project" means the purchase, construction, extension and improvement of plants, buildings, structures, or facilities, whether or not now in existence, including the real estate, used or to be used as a factory, assembly plant, manufacturing plant, processing plant, fabricating plant, distribution center, warehouse building, **public facility**, waterborne vessels excepting commercial passenger vessels for hire in a city not within a county built prior to 1950, office building, for profit or not for profit hospital, not for profit nursing or retirement facility or combination thereof, physical fitness, recreational, indoor and resident outdoor facilities operated by not for profit organizations, commercial or agricultural facility, or facilities for the prevention, reduction or control of pollution. Included in all of the above shall be any required fixtures, equipment and machinery. Excluded are facilities designed for the sale or distribution to the public of electricity, gas, water or telephone, together with any other facilities for cable television and those commonly classified as public utilities. Projects of a municipal authority must be located wholly within the incorporated limits of the municipality except that such projects may be located outside the corporate limits of such municipality and within the county in which the municipality is located with permission of the governing body of the county. Projects of a county authority must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a municipality within such county, when approved by the governing body of the municipality."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section 27, Line 21, by inserting immediately after said line the following:

"Section 27. 1. The governor is hereby authorized and empowered to grant and convey by deed the state of Missouri's interest, if any, in certain property in the city of St. Louis known as the St. Mary's annex to St. Mary's manor incorporated, its successors or assigns. The property to be conveyed is more particularly described as follows:

A tract of land in City of St. Louis Block 448, more particularly described as Lots 4, 5, 6, 7, 8 and the Western 14 feet 8-1/2 inches of Lot 9, together fronting 139 feet 8-1/2 inches on the North line of Chouteau Avenue, 80 feet wide.

2. If St. Mary's manor incorporated refuses the return of the property, the governor is authorized to negotiate a sale of the property to the city of St. Louis or to offer the property for public sale, the terms of which shall be set by the commissioner of administration.

3. The attorney general shall approve as to form the instrument of conveyance."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Staples offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 54, Section 135.245, Line 26, by inserting immediately after said line, the following:

"[135.300. As used in sections 135.300 to 135.311, unless the context requires otherwise, the following terms mean:

(1) "Missouri forestry industry residue", any residue that results from normal timber harvest or production to include slash, sawdust, shavings, edgings, slabs, leaves, bark, and timber thinnings from timber stand improvements;

(2) "Processed wood products", wood pellets, cubes, flour, or any product that results from thermal, chemical, or mechanical processes that sufficiently alter the wood residue to be used as an energy source. Hogged wood, chipped wood and charcoal do not qualify as processed wood energy resources under sections 135.300 to 135.311;

(3) "Wood energy producer", any person, firm or corporation who engages in the business of producing processed wood products, to be used as an energy source, from Missouri forest industry residues;

(4) "Wood energy producing facility", a Missouri facility using Missouri forest industry residue to produce processed wood products.

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due.

135.307. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years.

135.309. The wood energy producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue.

135.311. When applying for a tax credit the wood energy producer shall make application for the credit to the division of energy of the department of natural resources. The application shall include:

- (1) The number of tons of processed wood products produced during the preceding calendar year;
- (2) The name and address of the person to whom processed products were sold and the number of tons sold to each person;
- (3) Other information which the department of natural resources reasonably requires. The application shall be received and reviewed by the division of energy of the department of natural resources and the division shall certify to the department of revenue each applicant which qualifies as a wood energy-producing facility.

2. Sections 135.300 to 135.311 shall be effective July 1, 1986. The provisions of sections 135.300 to 135.311 shall terminate on June 30, 1995, but any unused credit may be claimed until December 31, 1995.]

135.300. As used in sections 135.300 to 135.311, unless the context requires otherwise, the following terms mean:

- (1) "Missouri forestry industry residue", any residue that results from normal timber harvest or production to include slash, sawdust, shavings, edgings, slabs, leaves, bark, and timber thinnings from timber stand improvements;**
- (2) "Processed wood products", wood pellets, cubes, flour, or any product that results from thermal, chemical, or mechanical processes that sufficiently alter the wood residue to be used as an energy source. Hogged wood, chipped wood and charcoal do not qualify as processed wood energy resources under sections 135.300 to 135.311;**
- (3) "Wood energy producer", any person, firm or corporation who engages in the business of producing processed wood products, to be used as an energy source, from Missouri forest industry residues;**
- (4) "Wood energy producing facility", a Missouri facility using Missouri forest industry residue to produce processed wood products.**

135.305. A Missouri wood energy producer shall be eligible for a tax credit on taxes otherwise due under chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as a production incentive to produce processed wood products in a qualified wood producing facility using Missouri forest product residue. The tax credit to the wood energy producer shall be five dollars per ton of processed material. The credit may be claimed for a period of five years and is to be a tax credit against the tax otherwise due.

135.307. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed four years.

135.309. The wood energy producer may elect to assign to a third party the approved tax credit. Certification of assignment and other appropriate forms must be filed with the Missouri department of revenue.

135.311. When applying for a tax credit the wood energy producer shall make application for the credit to the division of energy of the department of natural resources. The application shall include:

- (1) The number of tons of processed wood products produced during the preceding calendar year;**
- (2) The name and address of the person to whom processed products were sold and the number of tons sold to each person;**
- (3) Other information which the department of natural resources reasonably requires. The application shall be received and reviewed by the division of energy of the department of natural resources and the division shall certify to the department of revenue each applicant which qualifies as a wood energy-producing facility."; and**

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 88, Section 172.273, Line 25 of said page, by striking "research, development and" and inserting in lieu thereof the following: **"projects for the purpose of research and development, including"**; and

Further amend said bill and section, page 89, line 2 of said page, by striking the word "and" and inserting in lieu thereof a period "."; and further amend lines 3-4 of said page, by striking all of said lines; and further amend lines 16-17 of said page, by striking the following: ", may utilize the power of eminent domain,"; and

Further amend said bill and section, page 90, line 2 of said page, by striking the word "plan" and inserting in lieu thereof the word **"planning"**; and further amend line 11 of said page, by striking the following: "The utilization of the real"; and further amend lines 12-13, by striking all of said lines; and further amend line 14 of said page, by striking the following: "of the university. Provided" and inserting in lieu thereof the word **"If"**; and further amend line 15 of said page, by inserting immediately after the word "university" the following: **"and used as provided in subsection 1 and subsection 2 of this section and found to be within the university's educational mission"**; and further amend line 24 of said page, by inserting immediately after said line the following:

"5. Notwithstanding the exemption from taxes in subsection 3 of this section, whenever a private enterprise operates its facilities on land owned by the curators for an office park project for the purpose of research and development and such operation is outside the advancement of the university's educational mission, the private enterprise shall be subject to all taxes set forth by the appropriate political subdivision."; and

Further amend said section by renumbering the remaining subsections accordingly; and

Further amend said bill and section, page 90, line 25 of said page, by striking the words "such a"; and further amend line 26, by striking the following: "research, development and office park project" and inserting in lieu thereof the following: **"projects for research and development, including an office park project,"**;

Further amend said bill and section, page 92, lines 1-16 of said page by striking all of said lines.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 7, Section 32.115, by striking all of said section and inserting in lieu thereof, the following:

"32.111. Any business firm which engages in providing affordable housing assistance activities in the state of Missouri shall receive a tax credit as provided in section 32.115 if the commission or its delegate approves a proposal submitted by one or more business firms for the provision of affordable housing units. The proposal shall set forth the program of affordable housing to be conducted, the location and number of affordable housing units, the neighborhood area to be served, why the program is needed, the time period for which affordable housing units shall be provided, the estimated amount to be invested in the program, plans for implementing the program and a list of the business firms proposing to provide affordable housing assistance activities which are part of the proposal. In the case of rental units, all proposals approved by the commission shall require a land use restriction agreement stating the provision of affordable housing on said property for a time period deemed reasonable by the commission. In the case of owner

occupied units, all proposals approved by the commission shall require a land use restriction agreement for a time period deemed reasonable by the commission requiring any subsequent owner, except a lender with a security interest in the property, to be an owner occupant whose income at the time of acquisition is at or below the level described in section 32.105, and further requiring the acquisition price to any subsequent owner shall not exceed by more than a five percent annual appreciation the acquisition price to the original, eligible owner at the time tax credits are first claimed. **The land use restriction agreement shall constitute a lien as described in subdivision (4) of subsection 3 of section 32.115.** The restriction shall be approved by the property owner and shall be binding on any subsequent owner of the property unless otherwise approved by the commission. In approving a proposal, the commission may authorize the use of tax credits by one or more of the business firms listed in the proposal and shall establish specific requirements regarding the degree of completion of affordable housing assistance activities necessary to be eligible for tax credits provided under this section. If, in the opinion of the commission or its delegate, a business firm's investment can more consistently with the purposes of this section be made through [contributions to] a neighborhood organization, tax credits may be allowed as provided in this section. **The commission may approve requests for multi-year credit commitments provided eligibility is maintained.** The commission or its delegate is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating such proposals by business firms for approval or disapproval, for establishing housing priorities for approval or disapproval of such proposals by business firms, and for the certification of eligibility for tax credits authorized under this section. The decision of the commission or its delegate to approve or disapprove a proposal pursuant to this section shall be in writing, and if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission or its delegate shall be transmitted to the director of revenue and to the governor. A copy of the certification approved by the commission and a statement of the total amount of credits approved by the commission, the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.112. Any business firm which makes a contribution to a neighborhood organization, a significant part of whose activities consist of affordable housing assistance activities in the state of Missouri, shall receive a tax credit as provided in section 32.115 if the commission approves a proposal submitted by one or more business firms for the general operating assistance of such neighborhood organization. The proposal shall set forth the activities of the neighborhood organization, including the affordable housing assistance activities, the neighborhood area to be served, why the activities are needed, the estimated amount to be contributed to the neighborhood organization, and a list of the business firms proposing to make the contributions. The commission is hereby authorized to promulgate rules and regulations pursuant to section 536.024, RSMo, for establishing criteria for evaluating such proposals by business firms for approval or disapproval, and for the certification of eligibility for tax credits authorized under this section. The decision of the commission to approve or disapprove a proposal pursuant to this section shall be in writing and, if approved, the maximum credit allowable to the business firm shall be stated. A copy of the decision of the commission shall be transmitted to the director of revenue and to the governor. A copy of the certification approved by the commission and a statement of the total amount of credits approved, the amount of credits previously taken by the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and form designated by the director of revenue for any tax year in which a tax credit is being claimed.

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the following order until used, against:

- (1) The annual tax on gross premium receipts of insurance companies in chapter 148, RSMo;
- (2) The tax on banks determined under subdivision (2) of subsection 2 of section 148.030, RSMo;
- (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030, RSMo;
- (4) The tax on other financial institutions in chapter 148, RSMo;
- (5) The corporation franchise tax in chapter 147, RSMo;
- (6) The state income tax in chapter 143, RSMo; and

(7) The annual tax on gross receipts of express companies in chapter 153, RSMo.

2. For proposals approved under section 32.110[.];

(1) The amount of the tax credit shall not exceed fifty percent of the total amount contributed during the taxable year by the business firm or, in the case of a financial institution, where applicable, during the relevant income period in programs approved pursuant to section 32.110[.];

[3.] (2) Except as provided in [subsection 2 or 5] **subdivision (1) or (4)** of this [section] **subsection**, a tax credit of up to seventy percent may be allowed for contributions to programs where activities fall within the scope of special program priorities as defined with the approval of the governor in regulations promulgated by the director of the department of economic development[.];

[4.] (3) Except as provided in [subsection 2 or 5] **subdivision (1) or (4)** of this [section] **subsection**, the tax credit allowed for contributions to programs located in any community shall be equal to seventy percent of the total amount contributed where such community is a city, town or village which has fifteen thousand or less inhabitants as of the last decennial census and is located in a county which is either located in:

[(1)] (a) An area that is not part of a standard metropolitan statistical area;

[(2)] (b) A standard metropolitan statistical area but such county has only one city, town or village which has more than fifteen thousand inhabitants; or

[(3)] (c) A standard metropolitan statistical area and a substantial number of persons in such county derive their income from agriculture.

Such community may also be in an unincorporated area in such county as provided in [subdivision (1), (2) or (3)] **paragraphs (a), (b) and (c)** of this [subsection] **subdivision**. Except in no case shall the total economic benefit of the combined federal and state tax savings to the taxpayer exceed the amount contributed by the taxpayer during the tax year[.];

[5.] (4) Such tax credit allocation, equal to seventy percent of the total amount contributed, shall not exceed four million dollars in any fiscal year. When the four million dollar limit on the tax credit allocation is committed, the tax credit allocation for such programs shall then be equal to fifty percent credit of the total amount contributed. Regulations establishing special program priorities are to be promulgated during the first month of each fiscal year and at such times during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty thousand dollars annually except as provided in **subdivision 5 of this subsection** [6 of this section]. No tax credit shall be approved for any bank, bank and trust company, insurance company, trust company, national bank, savings association, or building and loan association for activities that are a part of its normal course of business. Any tax credit not used in the period the contribution was made may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Except as otherwise provided for proposals approved under section 32.111, **32.112** or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to sections 32.100 to 32.125 exceed [twenty] **twenty-two** million dollars in any one fiscal year, of which six million shall be credits allowed pursuant to section 135.460, RSMo. If six million dollars in credits are not approved, then the remaining credits may be used for programs approved pursuant to sections 32.100 to 32.125[.];

[6.] (5) The credit may exceed two hundred fifty thousand dollars annually and shall not be limited if community services, crime prevention, education, job training, physical revitalization or economic development, as defined by section 32.105, is rendered in an area defined by federal or state law as an impoverished, economically distressed, or blighted area or as a neighborhood experiencing problems endangering its existence as a viable and stable neighborhood, or if the community services, crime prevention, education, job training, physical revitalization or economic development is limited to impoverished persons.

[7.] **3.** For proposals approved under section 32.111[.];

(1) The amount of the tax credit shall not exceed fifty-five percent of the total amount invested in affordable housing assistance activities by a business firm. **Whenever said investment is made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits may be claimed only where the loan or equity investment is accompanied by a donation which is eligible for federal income tax charitable deduction, and where the total value of the tax credits herein plus the value of the federal income tax charitable deduction is less than or equal to the value of the donation.** Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. If the affordable housing units for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved under section 32.111 for the [first] fiscal year **beginning July 1, 1991** shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year[.];

[8.] (2) For any year during the compliance period indicated in the land use restriction agreement, the owner of the affordable housing rental units for which a credit is being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify said certification[.];

[9.] (3) In the case of owner occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification[.];

[10.] (4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission [shall revoke the proposal's certificate of eligibility and all business firms included in the proposal shall be prohibited from claiming any future tax credits under the proposal and shall remit the amount of tax credits taken in previous tax years under the proposal to the director of revenue. The commission shall notify the director of revenue of any such revocation.] **may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.**

4. For proposals approved under section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved under section 32.112 shall not exceed one million dollars for each fiscal year."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Singleton offered SA 1 to SA 9, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 6, Section 32.115, Line 16, by removing brackets around word "twenty" and deleting word "**twenty-two**".

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 2** to **SA 9**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 3, Section 32.112, Line 23, by adding after the word "section", the following: "such regulations shall include a requirement that no tax credits may be claimed on any affordable housing units occupied by any convicted felon."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

SA 9, as amended, was again taken up.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Curls offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 98, Section 338.196, Line 11 of said page, by inserting immediately after said line the following:

"338.425. 1. This section shall be known and may be cited as the "Missouri Kidney Health Care Act".

2. Notwithstanding any provisions of the law to the contrary, a manufacturer or wholesaler who supplies dialysis devices or drugs used exclusively for or necessary to perform home dialysis prescribed or ordered by a physician for administration or delivery to a person with chronic kidney failure shall not be considered to be practicing pharmacy without a license if:

(1) The manufacturer or wholesaler is registered with the state board of pharmacy and lawfully holds the dialysis drugs or devices;

(2) The manufacturer or wholesaler delivers the dialysis drugs or devices to:

(a) A person with chronic kidney failure for self-administration, as ordered by a physician, at the person's home or specified address; or

(b) A physician for administration or delivery to a person with chronic kidney failure; and

(3) The manufacturer or wholesaler has sufficient and qualified supervision to adequately protect the public health.

3. The state board of pharmacy shall promulgate rules and regulations necessary to ensure the safe distribution of the dialysis drugs and devices described in subsection 2 of this section, without interruption of

supply. Such regulations shall include licensing, records, evidence of delivery to the patient or patient's designee, patient training, specific product and quantity limitation, physician prescriptions or order forms, adequate warehouse facilities and appropriate labeling to ensure necessary information is affixed to or accompanies such dialysis drugs or devices.

4. The dialysis drugs or devices which are the subject of this section shall only be delivered by:

(1) The manufacturer or wholesaler to which the physician has issued an order; or

(2) A carrier authorized to possess such dialysis devices or drugs.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 10** is out of order under the provisions of Senate Rules 54 and 57.

President Pro Tem Mathewson ruled the point of order well taken.

Senator Maxwell offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 92, Section 172.273, Line 16 of said page, by inserting immediately after said line the following:

"178.635. 1. The board of regents of Linn State Technical College shall organize in the manner provided by law for the board of curators of the University of Missouri. The powers, duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the board of Linn State Technical College in regard to Linn State Technical College shall be the same as those prescribed by statute for the board of curators of the University of Missouri in regard to the University of Missouri, except that Linn State Technical College shall be operated only as a state technical college. Nothing in this section shall be construed to authorize Linn State Technical College to become a community college or a university offering four-year or graduate degrees.

2. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined in section 176.010, RSMo, by Linn **State** Technical College, shall **not** be deemed to be an indebtedness of the **state of Missouri or the** board of regents of Linn State Technical College, **pursuant to section 176.040, RSMo** [after the date upon which the conditions of section 178.631 are met. Such indebtedness shall be retired through tuition revenues].

178.892. As used in sections 178.892 to 178.896, the following terms mean:

(1) "Agreement", the agreement, between an employer and a junior college district **or state technical college**, concerning a project. An agreement may be for a period not to exceed ten years when the program services associated with a project are not in excess of five hundred thousand dollars. For a project where associated program costs are greater than five hundred thousand dollars, the agreement may not exceed a period of eight years. No agreement shall be entered into between an employer and a community college district **or state technical college** which involves the training of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage;

(2) "Board of trustees", the board of trustees of a junior college district **and the board of regents of a state technical college**;

(3) "Certificate", industrial new jobs training certificates issued pursuant to section 178.895;

(4) "Date of commencement of the project", the date of the agreement;

(5) "Employee", the person employed in a new job;

(6) "Employer", the person providing new jobs in conjunction with a project;

(7) "Industry", a business located within the state of Missouri which enters into an agreement with a community college district **or state technical college** and which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing, or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, health, or professional services. "Industry" does not include a business which closes or substantially reduces its operation in one area of the state and relocates substantially the same operation in another area of the state. This does not prohibit a business from expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced;

(8) "New job", a job in a new or expanding industry not including jobs of recalled workers, or replacement jobs or other jobs that formerly existed in the industry in the state;

(9) "New jobs credit from withholding", the credit as provided in section 178.894;

(10) "New jobs training program" or "program", the project or projects established by a community college district **or state technical college** for the creation of jobs by providing education and training of workers for new jobs for new or expanding industry in the state;

(11) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of, premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, funding and maintenance of a debt service reserve fund to secure such certificates and wages, salaries and benefits of employees participating in on-the-job training;

(12) "Program services" includes, but is not limited to, the following:

(a) New jobs training;

(b) Adult basic education and job-related instruction;

(c) Vocational and skill-assessment services and testing;

(d) Training facilities, equipment, materials, and supplies;

(e) On-the-job training;

(f) Administrative expenses equal to fifteen percent of the total training costs;

(g) Subcontracted services with state institutions of higher education, private colleges or universities, or other federal, state, or local agencies;

(h) Contracted or professional services; and

(i) Issuance of certificates;

(13) "Project", a training arrangement which is the subject of an agreement entered into between the community college district **or a state technical college** and an employer to provide program services;

(14) "Total training costs", costs of training, including supplies, wages and benefits of instructors, subcontracted services, on-the-job training, training facilities, equipment, skill assessment and all program services excluding issuance

of certificates.

178.893. A community college district **or a state technical college**, with the approval of the department of economic development in consultation with the office of administration, may enter into an agreement to establish a project and provide program services to an employer. As soon as possible after initial contact between a community college district **or a state technical college** and a potential employer regarding the possibility of entering into an agreement, the district **or college** shall inform the division of job development and training of the department of economic development and the office of administration about the potential project. The division of job development and training shall evaluate the proposed project within the overall job training efforts of the state to ensure that the project will not duplicate other job training programs. The department of economic development shall have fourteen days from receipt of the application to approve or disapprove projects. If no response is received by the community college **or the state technical college** within fourteen days the projects are approved. Any project that is disapproved must be in writing stating the reasons for the disapproval. If an agreement is entered into, the district and the employer shall notify the department of revenue within fifteen calendar days. An agreement may provide, but is not limited to:

(1) Payment of program costs, including deferred costs, which may be paid from one or a combination of the following sources:

(a) Funds appropriated by the general assembly from the Missouri junior college job training program fund and disbursed by the division of job development and training in respect of new jobs credit from withholding to be received or derived from new employment resulting from the project;

(b) Tuition, student fees, or special charges fixed by the board of trustees to defray program costs in whole or in part;

(c) Guarantee of payments to be received under paragraph (a) or (b) of this subdivision;

(2) Payment of program costs shall not be deferred for a period longer than ten years if program costs do not exceed five hundred thousand dollars, or eight years if program costs exceed five hundred thousand dollars from the date of commencement of the project;

(3) Costs of on-the-job training for employees, shall include wages or salaries of participating employees. Payments for on-the-job training shall not exceed the average of fifty percent of the total percent of the total wages paid by the employer to each participant during the period of training. Payment for on-the-job training may continue for up to six months after the placement of the participant in the new job;

(4) A provision which fixes the minimum amount of new jobs credit from withholding, or tuition and fee payments which shall be paid for program costs;

(5) Any payment required to be made by an employer is a lien upon the employer's business property until paid and has equal precedence with ordinary taxes and shall not be divested by a judicial sale. Property subject to the lien may be sold for sums due and delinquent at a tax sale, with the same forfeitures, penalties, and consequences as for the nonpayment of ordinary taxes. The purchasers at tax sale obtain the property subject to the remaining payments.

178.894. If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, such new jobs credit from withholding shall be determined and paid as follows:

(1) New jobs credit from withholding shall be based upon the wages paid to the employees in the new jobs;

(2) A portion of the total payments made by the employer pursuant to section 143.221, RSMo, shall be designated as the new jobs credit from withholding. Such portion shall be an amount equal to two and one-half percent of the gross wages paid by the employer for each of the first one hundred jobs included in the project and one and one-half percent of the gross wages paid by the employer for each of the remaining jobs included in the project. If business or employment conditions cause the amount of the new jobs credit from withholding to be less than the amount projected in the agreement for any time period, then other withholding tax paid by the employer pursuant to section 143.221, RSMo, shall be credited to the Missouri junior college job training fund by the amount of such difference. The employer

shall remit the amount of the new jobs credit to the department of revenue in the manner prescribed in section 178.896. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease;

(3) The community college district **or the state technical college** participating in a project shall establish a special fund for and in the name of the project. All funds appropriated by the general assembly from the Missouri community college job training program fund and disbursed by the division of job development and training for the project and other amounts received by the district **or college** in respect of the project and required by the agreement to be used to pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the district **or college** only to pay program costs for the project. The special fund may be divided into such accounts and subaccounts as shall be provided in the agreement, and amounts held therein may be invested in investments which are legal for the investment of the district's other funds;

(4) Any disbursement in respect of a project received from the division of job development and training under the provisions of sections 178.892 to 178.896 and the special fund into which it is paid may be irrevocably pledged by a junior college district **or a state technical college** for the payment of the principal of, premium, if any, and interest on the certificate issued by a junior college district **or a state technical college** to finance or refinance, in whole or in part, the project;

(5) The employer shall certify to the department of revenue that the credit from withholding is in accordance with an agreement and shall provide other information the department may require;

(6) An employee participating in a project will receive full credit for the amount designated as a new jobs credit from withholding and withheld as provided in section 143.221, RSMo;

(7) If an agreement provides that all or part of program costs are to be met by receipt of new jobs credit from withholding, the provisions of this subsection shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.

178.895. 1. To provide funds for the present payment of the costs of new jobs training programs, a community college district **or a state technical college** may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement including disbursements from the Missouri community college job training program to the special fund established by the district **or the college** for each project. The total amount of outstanding certificates sold by all junior college districts **and the state technical college** shall not exceed twenty million dollars, unless an increased amount is authorized in writing by a majority of members of the Missouri job training joint legislative oversight committee. The certificates shall be marketed through financial institutions authorized to do business in Missouri. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board of trustees, and may bear interest at such rate or rates as the board of trustees shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. However, chapter 176, RSMo, does not apply to the issuance of these certificates. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board of trustees may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater, or lesser principal amount of certificates and may bear a higher, lower, or equivalent rate of interest than the certificates being renewed or refunded.

3. Before certificates are issued, the board of trustees shall publish once a notice of its intention to issue the certificates, stating the amount, the purpose, and the project or projects for which the certificates are to be issued. A person may, within fifteen days after the publication of the notice, by action in the circuit court of a county in the

district, appeal the decision of the board of trustees to issue the certificates. The action of the board of trustees in determining to issue the certificates is final and conclusive unless the circuit court finds that the board of trustees has exceeded its legal authority. An action shall not be brought which questions the legality of the certificates, the power of the board of trustees to issue the certificates, the effectiveness of any proceedings relating to the authorization of the project, or the authorization and issuance of the certificates from and after fifteen days from the publication of the notice of intention to issue.

4. The board of trustees shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

5. Certificates issued under this section shall not be deemed to be an indebtedness of the state [or], the community college district, **the state technical college** or of any other political subdivision of the state and the principal and interest on such certificates shall be payable only from the sources provided in subdivision (1) of section 178.893 which are pledged in the agreement.

6. The department of economic development shall coordinate the new jobs training program, and may promulgate rules that districts **and the state technical college** will use in developing projects with new and expanding industrial new jobs training proposals which shall include rules providing for the coordination of such proposals with the service delivery areas established in the state to administer federal funds pursuant to the federal Job Training Partnership Act. No rule or portion of a rule promulgated under the authority of sections 178.892 to 178.896 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

7. [No] **A** community college district [may] **and the state technical college shall not** sell certificates as described in this section after July 1, 1998.

178.896. 1. There is hereby established within the state treasury a special fund, to be known as the "Missouri Community College Job Training Program Fund", to be administered by the division of job development and training. The department of revenue shall credit to the community college job training program fund, as received, all new jobs credit from withholding remitted by employers pursuant to section 178.894. The fund shall also consist of any gifts, contributions, grants or bequests received from federal, private or other sources. The general assembly, however, shall not provide for any transfer of general revenue funds into the community college job training program fund. Moneys in the Missouri community college job training program fund shall be disbursed to the division of job development and training pursuant to regular appropriations by the general assembly. The division shall disburse such appropriated funds in a timely manner into the special funds established by community college districts **and the state technical college** for projects, which funds shall be used to pay program costs, including the principal of, premium, if any, and interest on certificates issued by the district to finance or refinance, in whole or in part, a project. Such disbursements by the division of job development and training shall be made to the special fund for each project in the same proportion as the new jobs credit from withholding remitted by the employer participating in such project bears to the total new jobs credit from withholding remitted by all employers participating in projects during the period for which the disbursement is made. Moneys for new jobs training programs established under the provisions of sections 178.892 to 178.896 shall be obtained from appropriations made by the general assembly from the Missouri community college job training program fund. All moneys remaining in the Missouri community college job training program fund at the end of any fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the Missouri community college job training program fund.

2. The department of revenue shall develop such forms as are necessary to demonstrate accurately each employer's new jobs credit from withholding paid into the Missouri community college job training program fund. The new jobs credit from withholding shall be accounted as separate from the normal withholding tax paid to the department of revenue by the employer. Reimbursements made by all employers to the Missouri community college job training program fund shall be no less than all allocations made by the division of job development and training to all community college districts for all projects. The employer shall remit the amount of the new job credit to the department of revenue in the same manner as provided in sections 143.191 to 143.265, RSMo.

3. Sections 178.892 to 178.896 shall expire July 1, 2008."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Pages 132-148, Sections 7-23, by deleting all of said sections and inserting in lieu thereof the following:

"Section 7. Sections 7 to 22 of this act shall be known as the "Missouri Business Use Incentives for Large-Scale Development Act".

Section 8. As used in sections 7 to 22 of this act, the following terms mean:

(1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs;

(2) "Board", the Missouri development finance board as created by section 100.265, RSMo;

(3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 35 of this act;

(4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;

(5) "Department", the Missouri department of economic development;

(6) "Director", the director of the department of economic development;

(7) "Economic development project":

(a) The acquisition of any real property by the board, the eligible industry, or its affiliate; or

(b) The fee ownership of real property by the eligible industry or its affiliate; and

(c) For both paragraphs (a) and (b) of subdivision (7) of this section, "economic development project" shall also include the development of the real property including construction, installation, or equipping of a project, including fixtures and equipment, and facilities necessary or desirable for improvement of the real property, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries and other surface obstructions; filling, grading and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site construction of utility extensions to the boundaries of the real property; and the acquisition, installation, or equipping of facilities on the real property, for use and occupancy by the eligible industry or its affiliates;

(8) "Eligible employee", a person employed on a full-time basis in a new job at the economic development project averaging at least thirty-five hours per week who was not employed by the eligible industry or a related taxpayer in this state at any time during the twelve-month period immediately prior to being employed at the economic development project;

(9) "Eligible industry", a business located within the state of Missouri which is engaged in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, office industries, or agricultural processing, but

excluding retail health or professional services. "Eligible industry" does not include a business which closes or substantially reduces its operation at one location in the state and relocates substantially the same operation to another location in the state. This does not prohibit a business from expanding its operations at another location in the state provided that existing operations of a similar nature located within the state are not closed or substantially reduced. This also does not prohibit a business from moving its operations from one location in the state to another location in the state for the purpose of expanding such operation provided that the board determines that such expansion cannot reasonably be accommodated within the municipality in which such business is located, or in the case of a business located in an incorporated area of the county, within the county in which such business is located, after conferring with the chief elected official of such municipality or county and taking into consideration any evidence offered by such municipality or county regarding the ability to accommodate such expansion within such municipality or county. An eligible industry must:

(a) Invest a minimum of fifteen million dollars, or ten million dollars for an office industry, in an economic development project; and

(b) Create a minimum of one hundred new jobs for eligible employees at the economic development project or a minimum of five hundred jobs if the economic development project is an office industry;

(10) "New job", a job in a new or expanding eligible industry not including jobs of recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the state;

(11) "Office industry", a regional, national or international headquarters, a telemarketing operation, a computer operation, an insurance company, a depository institution or a credit card billing and processing center;

(12) "Program costs", all necessary and incidental costs of providing program services including payment of the principal of premium, if any, and interest on certificates, including capitalized interest, issued to finance a project, and funding and maintenance of a debt service reserve fund to secure such certificates. Program costs shall include:

(a) Obligations incurred for labor and obligations incurred to contractors, subcontractors, builders and materialmen in connection with the acquisition, construction, installation or equipping of an economic development project;

(b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;

(c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation or equipping of an economic development project which is not paid by the contractor or contractors or otherwise provided for;

(d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations and supervision of construction, as well as the costs for the performance of all the duties required by or consequent upon the acquisition, construction, installation or equipping of an economic development project;

(e) All costs which are required to be paid under the terms of any contract or contracts for the acquisition, construction, installation or equipping of an economic development project; and

(f) All other costs of a nature comparable to those described in this subdivision;

(13) "Program services", administrative expenses of the board, including contracted professional services, and the cost of issuance of certificates.

Section 9. 1. The Missouri development finance board shall have, in addition to the powers provided to it in sections 100.250 to 100.297, RSMo, and with the approval of the department, all the powers necessary to carry

out and effectuate the purposes and provisions of sections 7 to 22 of this act, including, but not limited to, the power to:

(1) Provide and finance economic development projects, pursuant to the provisions of sections 7 to 22 of this act, and cooperate with eligible industries in order to promote, foster and support economic development within the state;

(2) Conduct hearings and inquiries, in the manner and by the methods as it deems desirable, for the purpose of gathering information with respect to eligible industries and economic development projects, and for the purpose of making any determinations necessary or desirable in the furtherance of sections 7 to 22 of this act; and

(3) Negotiate the terms of, including the amount of project costs, and enter into financing agreements with eligible industries, and in connection therewith to acquire, convey, sell, mortgage, finance or otherwise dispose of any property, real or personal, loan bond proceeds, and permit the use of assessments, in connection with an economic development project, and to pay, or cause to be paid, in accordance with the provisions of a financing agreement, the program costs of an economic development project from any funds available therefor.

2. Certificates issued by the board pursuant to the provisions of sections 7 to 22 of this act shall not constitute an indebtedness or liability of the state of Missouri within the meaning of any state constitutional provision or statutory limitation, shall not constitute a pledge of the faith and credit of the state of Missouri, shall not be guaranteed by the credit of the state, and unless approved by a concurrent resolution of the general assembly, no certificate in default shall be paid by the state of Missouri.

Section 10. 1. The department, in conjunction with the board, shall establish the procedures and standards for the determination and approval of eligible industries and their economic development projects by the promulgation of rules or regulations in accordance with sections 7 to 22 of this act, chapter 536, RSMo, and section 620.1066, RSMo. These rules or regulations shall mandate the evaluation of the credit worthiness of eligible industries, the number of new jobs to be provided by an economic development project to residents of the state, and the likelihood of the economic success of the economic development project. No economic development project which will result in the replacement of facilities existing in the state shall be approved by the board.

2. With respect to each eligible industry making an application to the board for incentives, and with respect to the economic development project described in the application, the board shall request relevant information, documentation and other materials and make inquiries of the applicant as necessary or appropriate. After a diligent review of relevant materials and completion of its inquiries, the board may by resolution designate an economic development project.

Section 11. The board may enter into, with the approval of the department and in consultation with the office of administration, with any eligible industry, a financing agreement with respect to its economic development project. Subject to the inclusion of the mandatory provisions set forth in sections 7 to 22 of this act, the terms and provisions of each financing agreement shall be determined by negotiations between the board and the eligible industry.

Section 12. The financing agreement shall provide in substance that:

(1) It may be assigned by the eligible industry only upon the prior written consent of the board following the adoption of a resolution by the board to such effect; and

(2) Upon default by the eligible industry in any obligations under the financing agreement or other documents evidencing, securing or related to the eligible industry's obligations, the board shall have the right, at its option, to:

(a) Declare the financing agreement or other such documents in default;

(b) Accelerate and declare the total of all such payments due by the eligible industry and sell the economic development project at public, private, or judicial sale;

(c) Pursue any remedy provided under the financing agreement or other such documents;

(d) Be entitled to the appointment of a receiver by the circuit court wherein any part of the economic development project is located; and

(e) Pursue any other applicable legal remedy.

Section 13. After receipt of an application, the board may with the approval of the department, enter into an agreement with an eligible industry for a credit pursuant to sections 7 to 22 of this act if the board determines that all of the following conditions exist:

(1) The applicant's project will create new jobs that were not jobs previously performed by employees of the applicant in Missouri;

(2) The applicant's project is economically sound and will benefit the people of Missouri by increasing opportunities for employment and strengthening the economy of Missouri;

(3) The political subdivisions affected by the project have committed significant local incentives with respect to the project;

(4) Receiving the credit is a major factor in the applicant's decision to go forward with the project and not receiving the credit will result in the applicant not creating new jobs in Missouri;

(5) Awarding the credit will result in an overall positive fiscal impact to the state;

(6) There is at least one other state that the applicant verifies is being considered for the project; and

(7) A significant disparity is identified, using best available data in the projected costs for the applicant's project compared to the costs in the competing state, including the impact of the competing state's incentive programs. The competing state's incentive program shall include state, local, private and federal funds.

Section 14. In determining the credit that should be awarded, the board shall take into consideration the following factors:

(1) The economy of the county where the projected investment is to occur;

(2) The potential impact on the economy of Missouri;

(3) The payroll attributable to the project;

(4) The capital investment attributable to the project;

(5) The amount the average wage paid by the applicant exceeds the average wage paid within the county in which the project will be located;

(6) The costs to Missouri and the affected political subdivisions with respect to the project;

(7) The financial assistance that is otherwise provided by Missouri and the affected political subdivisions; and

(8) The magnitude of the cost differential between Missouri and the competing state.

Section 15. The board shall determine the amount and duration of a project and its associated assessments, credits and refunds. The credit amount may not exceed the estimated assessment. Assessments made for any

project may not exceed a period of fifteen years.

Section 16. An agreement between the board and an eligible industry shall include all of the following:

- (1)** A detailed description of the project that is the subject of the agreement;
- (2)** A specific method for determining the number of new employees employed during a taxable year who are performing jobs not previously performed by an employee of the eligible industry;
- (3)** A requirement that the taxpayer shall annually report to the board the number of new employees who are performing jobs not previously performed by an employee, the total amount of salaries and wages paid to eligible employees in new jobs, and any other information the board needs to perform its duties pursuant to sections 7 to 22 of this act;
- (4)** A requirement that the taxpayer shall provide written notification to the director and the board not more than thirty days after the taxpayer makes or receives a proposal that would transfer the taxpayer's state tax liability obligations to a successor taxpayer;
- (5)** Any other performance conditions that the board and the director determine are appropriate; and
- (6)** A requirement that the taxpayer shall maintain operations at the project location for at least two times the number of years as the term of the tax credit.

Section 17. If the board determines that an eligible industry, which has received a credit pursuant to sections 7 to 22 of this act, is not complying with the requirements of the credit agreement or all of the provisions of sections 7 to 22 of this act, the board shall, after giving the industry an opportunity to explain the noncompliance, notify the department of revenue of the noncompliance and request a penalty. The board shall state the amount of the penalty, which may not exceed the sum of any previously allowed assessments pursuant to sections 7 to 22 of this act.

Section 18. On an annual basis, the director shall provide for an evaluation of the program. The evaluation shall include an assessment of the effectiveness of the program in creating new jobs in Missouri and of the revenue impact of the program. The director shall submit a report on the evaluation to the governor, the president pro tem of the senate, and the speaker of the house of representatives.

Section 19. An agreement between the board and an eligible industry shall provide that all or part of program costs are to be met by receipt of assessments. Assessments shall be based upon wages paid to eligible employees. If business or employment conditions cause the amount of the assessment to be less than the amount projected in the agreement for any time period, then a portion of withholding tax paid by the employer pursuant to sections 143.191 to 143.265, RSMo, may be credited to the board by the amount of such difference. The employer shall remit the amount of the assessment to the board. When all program costs, including the principal of, premium, if any, and interest on the certificates have been paid, the employer credits shall cease.

Section 20. 1. The board shall establish a special fund for and in the name of each project. All received by the board in respect of the project and required by the agreement to be used to

pay program costs for the project shall be deposited in the special fund. Amounts held in the special fund may be used and disbursed by the board only to pay program costs for the project.

2. Any disbursement in respect of a project pursuant to the provisions of sections 7 to 22 of this act, and the special fund into which it is paid, may be irrevocably pledged by the board for the payment of the principal of, premium, if any, and interest on the certificate issued by the board to finance or refinance, in whole or in part, the project.

3. The employer shall certify to the department of revenue that the assessment is in accordance with an

agreement and shall provide other information the department may require.

4. If an agreement provides that all or part of program costs are to be met by receipt of assessments, the provisions of this section shall also apply to any successor to the original employer until such time as the principal and interest on the certificates have been paid.

Section 21. 1. To provide funds for the present payment of the costs of economic development projects, the board may borrow money and issue and sell certificates payable from a sufficient portion of the future receipts of payments authorized by the agreement. The total amount of outstanding certificates sold by the board shall not exceed thirty-five million dollars. This amount can be increased if authorized in writing by the commissioner of administration and the chairman of the senate appropriations committee and the chairman of the house budget committee. The receipts shall be pledged to the payment of principal of and interest on the certificates. Certificates may be sold at public sale or at private sale at par, premium, or discount of not less than ninety-five percent of the par value thereof, at the discretion of the board, and may bear interest at such rate or rates as the board shall determine, notwithstanding the provisions of section 108.170, RSMo, to the contrary. Certificates may be issued with respect to a single project or multiple projects and may contain terms or conditions as the board may provide by resolution authorizing the issuance of the certificates.

2. Certificates issued to refund other certificates may be sold at public sale or at private sale as provided in this section with the proceeds from the sale to be used for the payment of the certificates being refunded. The refunding certificates may be exchanged in payment and discharge of the certificates being refunded, in installments at different times or an entire issue or series at one time. Refunding certificates may be sold or exchanged at any time on, before, or after the maturity of the outstanding certificates to be refunded. They may be issued for the purpose of refunding a like, greater or lesser principal amount of certificates and may bear a higher, lower or equivalent rate of interest than the certificates being renewed or refunded.

3. The board shall determine if revenues provided in the agreement are sufficient to secure the faithful performance of obligations in the agreement.

4. Certificates issued pursuant to this section shall not be deemed to be an indebtedness of the state or the board or of any political subdivision of the state.

Section 22. 1. The approved company shall remit to the board a job development assessment fee, not to exceed five percent of the gross wages of each eligible employee whose job was created as a result of the economic development project, for the purpose of retiring bonds which fund the economic development project.

2. Any approved company remitting an assessment as provided in subsection 1 of this section shall make its payroll books and records available to the board at such reasonable times as the board shall request and shall file with the board documentation respecting the assessment as the board may require.

3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the date the bonds are retired.

4. Any approved company which has paid an assessment for debt reduction shall be allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes otherwise imposed by chapter 143 and 148, RSMo, except withholding taxes imposed under the provisions of sections 143.191 to 143.265, RSMo, which were incurred during the tax period in which the assessment was made.

5. The director of revenue shall issue a refund to the approved company to the extent that the amount of credits allowed in subsection 4 of this section exceed the amount of the approved company's income tax."; and

Further amend the title and enacting clause accordingly, and renumber remaining sections accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1** to **SA 12**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 10, Section 19, Line 17, by adding immediately after the word "then" on said line the following: "the employee shall credit to the board the amount of such difference, then".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

SA 12, as amended, was again taken up.

Senator Rohrbach offered **SA 2** to **SA 12**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 11, Section 21, Lines 19-21, by deleting all of said lines following the "." on line 19.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 3** to **SA 12**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 12

Amend Senate Amendment No. 12 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 3, Section 8, Line 24 of said page, by deleting the word "telemarketing" on said line and inserting in lieu thereof the word "telecommunications"; and

Further amend said bill, page and section, line 25, by deleting the words "a depository institution" on said line.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Maxwell, **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS** and **SA 12**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1**, **SA 2**, **SA 3** to **HB 876** and has again taken up and passed **HB 876**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 999**, as amended, and has again taken up and passed **SCS** for **HCS** for **HB 999**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1, SA 2, SA 4**, to **HCS** for **HBs 1159, 842 and 799** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon and conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 905** and has taken up and passed **CCS** for **HB 905**.

PRIVILEGED MOTIONS

Senator Johnson moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended, and grant the House a conference thereon and that the conferees be allowed to exceed the differences, which motion prevailed.

Senator McKenna moved that the Senate refuse to recede from its position on **SAs 1, 2 and 4** to **HCS** for **HBs 1159, 842 and 799** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 991**, as amended: Senators Staples, Banks, McKenna, Sims and Westfall.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended: Senators Johnson, Mathewson, Lybyer, Rohrbach and Westfall.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **HBs 1159, 842 and 799**, as amended: Senators McKenna, DePasco, Scott, Mueller and Treppier.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS** for **HCS** for **HB 1099**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

On motion of Senator Banks, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Staples.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1417, regarding Mr. Jim Lemery, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1418, regarding Betty Corlew, Lee's Summit, which was adopted.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **HS** for **HCS** for **HB 1237**, with **SCS**, **SS** for **SCS** and **SA 12**, as amended (pending), be called from the Informal Calendar and again taken up for third reading and final passage, which motion prevailed.

SA 12, as amended, was again taken up.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 98, Section 338.056, Lines 1 through 5 of said page, by deleting all of said lines and inserting in lieu thereof the following:

"4. Notwithstanding the provisions of subsection 2 of this section, a pharmacist may fill a prescription for a brand name drug by substituting a generically equivalent drug when generic substitution is allowed, in accordance with the laws of the state where the prescribing practitioner is located."

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 78, Section 144.030, Line 21 of said page, by inserting immediately after "items" the following: **", including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples"**.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Flotron offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section B, Line 1, by inserting immediately before said line, the following:

"Section 27. 1. Beginning in 1997, and at least every four years thereafter, or earlier if requested by at least two members of the selection panel, an independent cost benefit analysis shall be prepared to evaluate the effectiveness of all programs operated by the department of economic development. Each analysis shall be conducted by a nationally recognized accounting firm or other firm possessing expertise in the field of cost benefit analysis and the use of econometric models. The criteria for the selection of such firm shall be established by a panel composed of the governor, the treasurer and the auditor, or their designees. The office of administration shall issue and administer the contracts. The result of each analysis shall be published and distributed to the governor, the speaker of the house of representatives, and the president pro tem of the senate."

2. Each analysis shall include, but not be limited to, the cost to the state and political subdivisions for each program, the direct state and indirect state benefits and the direct local and indirect local benefits associated with each program, the safeguards to protect noneconomic influences in the award of programs administered by the department, and the likelihood of the economic activity taking place without the program."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 16**:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 96, Section 274.310, Line 17 of said page by inserting immediately after said line the following:

"305.230. 1. The state highways and transportation commission shall administer an aeronautics program within this state. The state commission shall encourage, foster and participate with the political subdivisions of this state in the promotion and development of aeronautics. The state commission may provide financial assistance in the form of grants from funds appropriated for such purpose to any political subdivision of this state acting independently or jointly **or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** for the planning, acquisition, construction, improvement or maintenance of airports, or for other aeronautical purposes.

2. Any political subdivision of this state **or the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** receiving state funds for the purchase, construction, or improvement, except maintenance, of an airport shall agree before any funds are paid to it to control by ownership or lease the airport for a period equal to the useful life of the project as determined by the state commission following the last payment of state or federal funds to it. In the event an airport authority ceases to exist for any reason, this obligation shall be carried out by the governing body which created the authority.

3. Unless otherwise provided, grants to political subdivisions **or to the owner or owners of any privately owned airport designated as a reliever by the Federal Aviation Administration** shall be made from the aviation trust fund. The aviation trust fund is a revolving trust fund exempt from the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue funds of the state by the state treasurer. All interest earned upon the balance in the aviation trust fund shall be deposited to the credit of the same fund.

4. The moneys in the aviation trust fund shall be administered by the state commission and, when appropriated, shall be used for the following purposes:

(1) As matching funds on an up to eighty percent state/twenty percent local basis, except in the case where federal funds are being matched, when the ratio of state and local funds used to match the federal funds shall be fifty percent state/fifty percent local:

(a) For preventive maintenance of runways, taxiways and aircraft parking areas, and for emergency repairs of the same;

(b) For the acquisition of land for the development and improvement of airports;

(c) For the earthwork and drainage necessary for the construction, reconstruction or repair of runways, taxiways, and aircraft parking areas;

(d) For the construction, or restoration of runways, taxiways, or aircraft parking areas;

(e) For the acquisition of land or easements necessary to satisfy Federal Aviation Administration safety requirements;

(f) For the identification, marking or removal of natural or manmade obstructions to airport control zone surfaces and safety areas;

(g) For the installation of runway, taxiway, boundary, ramp, or obstruction lights, together with any work directly related to the electrical equipment;

(h) For the erection of fencing on or around the perimeter of an airport;

(i) For purchase, installation or repair of air navigational and landing aid facilities and communication equipment;

(j) For engineering related to a project funded under the provisions of this section and technical studies or consultation related to aeronautics;

(k) For airport planning projects including master plans and site selection for development of new airports, for updating or establishing master plans and airport layout plans at existing airports;

(l) For the purchase, installation, or repair of safety equipment and such other capital improvements and equipment as may be required for the safe and efficient operation of the airport;

(2) As total funds, with no local match:

(a) For providing air markers, windsocks, and other items determined to be in the interest of the safety of the general flying public;

(b) For the printing and distribution of state aeronautical charts and state airport directories on an annual basis, and a newsletter on a quarterly basis or the publishing and distribution of any public interest information deemed necessary by the state commission;

(c) For the conducting of aviation safety workshops;

(d) For the promotion of aerospace education.

5. The general assembly may appropriate to the aviation trust fund an amount not to exceed five million dollars in each fiscal year for the purposes of this section. If on January thirty-first of any year, the unobligated balance of the aviation trust fund exceeds five million dollars, no appropriation shall be made for the following fiscal year.

6. In the event of a natural or manmade disaster which closes any runway or renders inoperative any electronic or visual landing aid on an airport, any funds appropriated for the purpose of capital improvements or maintenance of airports may be made immediately available for necessary repairs once they are approved by the Missouri highway and transportation department. For projects designated as emergencies by the Missouri highway and transportation department, all requirements relating to normal procurement of engineering and construction services are waived."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 17**:

SENATE AMENDMENT NO. 17

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section B, Line 22, by inserting immediately before said line the following:

"Section 27. Any nonprofit organization connected with a global community project directed toward the year 2004 and designated by the governing body of a city not within a county or a county with a population of over nine hundred thousand may authorize the use of a "St. Louis 2004" official emblem described in this section to be affixed on personalized license plates as provided in this section. Any vehicle owner may annually apply to a designated nonprofit organization for the use of the emblem. Upon annual application and payment of a twenty-five dollar emblem-use contribution to any designated nonprofit organization, such nonprofit organization shall issue to the vehicle owner, without further charge, an "emblem-use authorization statement", which shall be presented by the vehicle owner to the department of revenue at the time of registration. Upon presentation of the emblem-use authorization statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate, which shall bear the "St. Louis 2004" emblem described in this section, to the vehicle owner. The emblem design shall be approved by the governing bodies of a city not within a county and any county with a population of over nine hundred thousand. Each such license plate shall be embossed with the words "ST. LOUIS 2004" at the bottom of the plate. The license plate authorized by this section shall be made with fully reflective material with a common color scheme and design approved by the advisory committee established in section 301.129. The plates shall be clearly visible at night and shall be aesthetically attractive, as prescribed by section 301.130. A vehicle owner, who was previously issued a plate with the emblem authorized by this section who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the prescribed emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms. Any contribution to a designated nonprofit organization derived from this section may be used for any civic purpose deemed appropriate by the nonprofit organization."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Flotron offered **SA 18:**

SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 149, Section 24, Line 10 of said page, by inserting immediately after "costs." the following: **"However, such reimbursement shall not be less than twenty- five percent nor more than one hundred percent of the district's tax increment."**

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 19:**

SENATE AMENDMENT NO. 19

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section 26, Line 21 of said page, by inserting immediately after said line, the following:

"Section 27. Notwithstanding the pro-visions of any other law to the contrary, the governing body of any third class city with a population of at least fifteen thousand but not more than seventeen thousand inhabitants which is the county seat of a county of the fourth classification which has a state university located in such city may annex areas along a road or highway up to two miles from the existing boundaries of the city for the purpose of promoting economic development through the refurbishing of existing structures and the construction and maintenance of infrastructure and property for the enhancement of community development of an existing airport."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 20**:

SENATE AMENDMENT NO. 20

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 13, Section 67.641, Lines 13-20 of said page, by striking all of the underlined language from said lines and inserting in lieu thereof the following: "**. State funds shall be appropriated to any county of the first class with a charter form of government which administers a convention and sports complex fund pursuant to the laws of this state and which has local matching funds available for construction of a convention and sports complex. The state funds appropriated shall be in an amount equal to the local matching funds available for use only on construction of a convention and sports complex**".

Senator House moved that the above amendment be adopted.

Senator Lybyer offered **SA 1** to **SA 20**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 1, by deleting the word "shall" and inserting "may" on lines 3 and 7 of the amendment.

Senator Lybyer moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Bentley offered **SA 2** to **SA 20**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Lines 3 and 4, by deleting "with a charter form of government".

Senator Bentley moved that the above amendment be adopted, which motion failed.

Senator House moved that **SA 20**, as amended, be adopted, which motion failed.

Senator House offered **SA 21**:

SENATE AMENDMENT NO. 21

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 13, Section 67.641, Line 18 of said page, by striking "1997, for the" and inserting in lieu thereof the following: "**1998, for the planning**".

Senator House moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bentley, Ehlmann, Flotron and Kinder.

SA 21 failed of adoption by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
Ehlmann	House	Kenney	Moseley
Scott	Sims	Staples	Treppler
Westfall	Wiggins--14		
	Nays--Senators		
DePasco	Flotron	Goode	Graves
Howard	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Rohrbach	Russell
Singleton--17			
	Absent--Senators		
Banks	Quick	Schneider--3	
	Absent with leave--Senators--None		

President Wilson resumed the Chair.

Senator Goode offered SA 22:

SENATE AMENDMENT NO. 22

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 116, Section 620.1039, Line 11 of said page, by inserting immediately after said line, the following:

"643.310. 1. The commission may, by rule, establish a motor vehicle emissions inspection program under sections 643.300 to 643.355 for any **urbanized** portion of a nonattainment area located within the area described in subsection 1 of section 643.305, **as determined by the local metropolitan planning organization, on the condition that the exemption of certain rural areas may not effect the credits available to the nonattainment area** except for any portion of the nonattainment area which is located in a county of the first classification without a charter form of government with a population of less than one hundred thousand inhabitants according to the most recent decennial census, if the commission determines that such motor vehicle emissions inspection program is necessary in that area to comply with the requirements of subsection 1 of section 643.305, except that no motor vehicle emission inspection program shall be established under this section in any area for which the sale or dispensing of conventional gasoline for use in motor vehicles is prohibited under the federal Clean Air Act, as amended, 42 U.S.C. 7545. The commission shall ensure that, for each nonattainment area, the state implementation plan established under subsection 1 of section 643.305 incorporates and receives all applicable credits allowed by the United States Environmental Protection Agency for emission reduction programs in other nonattainment areas of like designation in other states. The commission shall ensure that emission reduction amounts established under subsection 2 of section 643.305 shall be consistent with and not exceed the emissions reduction amounts required by the United States Environmental Protection Agency for other nonattainment areas of like designation in other states. No motor vehicle emissions inspection program shall be required to comply with subsection 1 of section 643.305 unless the plan established thereunder takes full advantage of any changes in requirements or any agreements made or entered into by the United States Environmental Protection Agency and any entity or entities on behalf of a nonattainment area concerning compliance with National Ambient Air Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder.

The air conservation commission shall request and it shall be the duty of the attorney general to bring, in a court of competent jurisdiction, an action challenging the authority of the United States Environmental Protection Agency to impose sanctions for failure to attain National Ambient Air Quality Standards and failure to provide for required emission reductions under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. The action shall seek to define the required emission reductions and the credits allowed for current and planned emission reductions measures. The air conservation commission shall request and it shall be the duty of the attorney general to bring an action to obtain injunctive relief to enjoin and restrain the imposition of sanctions on the state of Missouri under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated under this section have been decided. Provisions of section 307.366, RSMo, to the contrary notwithstanding, the requirements of sections 643.300 to 643.355 shall apply to those areas designated by the commission under this section in lieu of the provisions of section 307.366, RSMo. **On or before December 31, 1996, the department of natural resources and the Missouri state highway patrol shall enter into an interagency agreement covering all aspects of the administration and enforcement of section 307.366, RSMo, and sections 643.300 to 643.355.**

2. The department shall [contract with one or more] **license, subject to annual renewal, persons and specific locations** to provide any motor vehicle emissions inspection program established under sections 643.300 to 643.355.

[3. The department may purchase the motor vehicle emissions inspection facilities pursuant to appropriations specifically provided for that purpose. The department may lease, sublease or license the facilities to the contractor or contractors for the purpose of fulfilling the obligations of the contract for the motor vehicle emissions inspection program.

4.] **3.** The inspection program **and license agreements** shall satisfy the following criteria:

(1) There shall be an adequate number of stations **licensed** to ensure that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station, and consideration shall be given to employment, locations and commuting patterns when [selecting] **licensing** the locations of the stations. **When establishing the number and location of stations, public convenience shall be given highest priority, and the opportunity for financial viability of the stations shall also be considered;**

(2) There shall be an adequate number of inspection lanes at each facility so that no more than five percent of all persons having an inspection are required to wait more than fifteen minutes before the inspection begins;

(3) There shall be at least three licensed stations which are capable of testing vehicles which operate only in a four-wheel- drive mode;

[(3)] **(4)** The days and daily hours of operation shall include at least those hours specified by the department, which shall include, at a minimum, twelve continuous hours of operation on all weekdays excepting federal holidays, and six continuous hours of operation on all Saturdays excepting federal holidays;

[(4)] **(5)** The emissions inspection program shall include a simulated on-road emissions inspection component, including pressure and purge tests, which satisfies **at least the minimum** requirements established by regulation of the United States Environmental Protection Agency **for such components and tests** and may include a visual inspection component;

[(5)] **(6)** The inspection stations shall be test-only stations and shall not offer motor vehicle emissions repairs, parts or services of any kind;

[(6)] **(7)** No person operating or employed by an emissions inspection station shall repair or maintain motor vehicle emission systems or pollution control devices for compensation of any kind[.];

(8) The inspections shall be performed by an inspector approved and certified by the commission and the inspector performing such inspections shall satisfy all applicable requirements of sections 643.300 to 643.355.

[5.] **4.** The commission, the department of economic development and the office of administration shall, in

cooperation with the minority business advocacy commission, select [the contractor or contractors] **licensees** to provide an inspection program which satisfies the [minimum] requirements of this section in accordance with the requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission, the office of administration and the department of economic development, in cooperation with the minority business advocacy commission shall ensure adequate minority business participation, **strive to promote racial and cultural diversity and give preference to owner operated and managed businesses** in the selection of [the contractor or contractors] **licensees** to provide an inspection program under this section. The commission, the office of administration and the department of economic development shall ensure adequate participation of Missouri businesses in the selection of [the contractor or contractors] **licensees** to provide an inspection program under this section.

[6.] **5.** With approval of the commission and under rules adopted by the commission, [an] **any person, entity or organization** [whose members are motor vehicle dealers or leasing companies] may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned and held for sale or lease by the **person, entity or** members of the organization. With approval of the commission and under rules adopted by the commission, any person operating a fleet of [five] **one** hundred or more motor vehicles may establish one or more additional emissions inspection facilities, which may be either mobile or stationary, to be used solely to inspect motor vehicles owned or leased and operated by the person establishing the facility. The inspections performed in facilities established under this subsection shall be performed by [a contractor selected] **an inspector approved and certified** by the commission [under this section] and the [contractor] **inspector** performing such inspections shall [be responsible solely to the department and shall] satisfy all applicable requirements of sections 643.300 to 643.355.

[7.] **6.** Any person who owns Missouri analyzer system emission inspection equipment as defined by rule, used to provide emissions inspections under section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established under sections 643.300 to 643.355 may, within twelve months of the implementation of an emissions inspection program under sections 643.300 to 643.355, sell such equipment, to the department of natural resources at current market value as established by an independent appraisal provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall purchase such equipment using funds appropriated for that purpose from the Missouri air emission reduction fund. Any person who, prior to January 1, 1992, contracted to lease or lease purchase, or purchased by borrowing a portion of the funds secured by a chattel mortgage, Missouri Analyzer System emission inspection equipment used to provide emissions inspections under section 307.366, RSMo, at a facility located in an area in which an emissions inspection program has been established under sections 643.300 to 643.355, and has made all payments required under the contract, may, within twelve months of the implementation of an emissions inspection program under sections 643.300 to 643.355, request the department of natural resources to take possession of such equipment and assume all payment obligations owed on such equipment which obligations are not in excess of one hundred and twenty-five percent of the current market value as established by an independent appraisal, provided that the equipment is fully functional and has been maintained according to all applicable manufacturer's specifications and procedures. The department shall take possession of such equipment and pay such obligations using funds appropriated for that purpose from the Missouri air emission reduction fund.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor vehicles which are **or are to be** domiciled, registered or primarily operated in an area for which the commission has established a motor vehicle emissions inspection program under sections 643.300 to 643.355 shall be inspected and approved prior to sale or transfer. In addition, any such vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved under the emissions inspection program established under sections 643.300 to 643.355 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved under the emissions inspection program established under sections 643.300 to 643.355 in each odd-numbered calendar year. All motor vehicles subject to the inspection requirements of sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and when applicable, a valid emissions inspection certificate shall be presented at the time of registration or registration renewal of such motor vehicle.

2. No emission standard established by the commission for a given make and model year shall [exceed the lesser] **be more stringent than the less stringent** of the following:

(1) The emission standard for that vehicle model year as established by the United States Environmental Protection Agency; or

(2) The emission standard for that vehicle make and model year as established by the vehicle manufacturer.

3. The inspection requirement of subsection 1 of this section shall apply to all motor vehicles except:

[(1) Motor vehicles with a manufacturer's gross vehicle weight rating in excess of eight thousand five hundred pounds;]

[(2)] (1) Motorcycles and motortricycles if such vehicles are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

[(3)] (2) Model year vehicles prior to 1971;

[(4)] (3) Vehicles which are powered exclusively by electric or hydrogen power or by fuels other than gasoline which are exempted from the motor vehicle emissions inspection under federal regulation and approved by the commission by rule;

[(5)] (4) Motor vehicles registered in an area subject to the inspection requirements of sections 643.300 to 643.355 which are domiciled and operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355, but only if the owner of such vehicle presents to the department an affidavit that the vehicle will be operated exclusively in an area of the state not subject to the inspection requirements of sections 643.300 to 643.355 for the next twenty-four months, and the owner applies for and receives a waiver which shall be presented at the time of registration or registration renewal; and

[(6)] (5) New and unused motor vehicles, of model years of the current calendar year and of any calendar year within two years of such calendar year, which have an odometer reading of less than six thousand miles at the time of original sale by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user.

4. The commission may, by rule, allow inspection reciprocity with other states having equivalent or more stringent testing and waiver requirements than those established under sections 643.300 to 643.355.

5. (1) At the time of sale, a licensed motor vehicle dealer, as defined in section 301.250, RSMo, may choose to sell a motor vehicle subject to the inspection requirements of sections 643.300 to 643.355 either:

(a) With prior inspection and approval as provided in subdivision (2) of this subsection; or

(b) Without prior inspection and approval as provided in subdivision (3) of this subsection;

(2) If the dealer chooses to sell the vehicle with prior inspection and approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle obtained approval by meeting the emissions standards established under sections 643.300 to 643.355 or by obtaining a waiver under section 643.335;

(3) If the dealer chooses to sell the vehicle without prior inspection and approval, the purchaser may return the vehicle within fourteen days of the date of purchase, provided that the vehicle has no more than one thousand additional miles since the time of sale, if the vehicle fails, upon inspection, to meet the emissions standards specified by the commission and the dealer shall have the vehicle inspected and approved without the option for a waiver of the emissions standard and return the vehicle to the purchaser with a valid emissions certificate and sticker within five working days, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker. If the dealer cannot return the vehicle with a valid emissions certificate and sticker within fifteen additional working days, then, at the purchaser's option, the purchaser may return the vehicle to the dealer for a full refund of the vehicle purchase price, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade or the purchaser and dealer may enter into any other mutually acceptable agreement. If the dealer chooses to sell the vehicle without prior

inspection and approval, the dealer shall disclose conspicuously on the sales contract and bill of sale that the purchaser has the option to return the vehicle within fourteen days, provided that the vehicle has no more than one thousand additional miles since the time of sale, to have the dealer repair the vehicle and provide an emissions certificate and sticker within five working days if the vehicle fails, upon inspection, to meet the emissions standards established by the commission, or the dealer shall either provide a full refund of the vehicle purchase price or provide a comparable vehicle until the original vehicle is returned to the purchaser with a valid emissions certificate and sticker or, if the vehicle cannot be inspected and approved within fifteen additional working days, then the purchaser may choose to return the vehicle for a full refund, which may include a vehicle taken on trade or the amount allowed for a vehicle taken on trade, or enter into any mutually acceptable agreement with the dealer. A violation of this subdivision shall be an unlawful practice as defined in section 407.020, RSMo. No emissions inspection shall be required under sections 643.300 to 643.360 for the sale of any motor vehicle which may be sold without a certificate of inspection and approval, as provided under subsection 2 of section 307.380.

643.320. 1. The commission shall establish, by rule, procedures, standards, and requirements for the operation of emissions inspection stations and the conduct of emissions inspections.

2. The emissions inspection stations shall be operated in accordance with all requirements established by the commission under this section.

3. The department shall cause unannounced inspections to be made of the operation of each emissions inspection station at least [once] **four times** during each calendar year. The inspection may include submitting a known high emission vehicle for inspection without prior disclosure to the inspection station.

4. The department may require emissions inspection stations to furnish reports, upon forms furnished by the department for that purpose, that the department considers necessary for the administration of sections 643.300 to 643.355.

5. No emissions inspection required under sections 643.300 to 643.355 may be performed at an emissions inspection station unless there is conspicuously posted on the premises of the emissions inspection station a sign which is at least eight feet high and sixteen feet wide and which sign bears the legend: "This inspection is mandated by the United States Environmental Protection Agency under powers granted to it by your United States Senators and Representatives in Washington, D.C." A standard sign, designed by the department and containing letters of at least six inches in height, shall be used by all emissions inspection stations. Such signs shall be furnished by the department to each emissions inspection station at no cost to the station.

6. The commission shall establish, by rule, procedures, standards, and requirements for the certification of emissions inspectors and for the certification of repair technicians. In establishing procedures, standards, and requirements and in certifying inspectors or technicians pursuant to this section, the commission may adopt the tests, standards and certifications of a nationally-recognized accreditation organization for automotive emissions inspectors or automotive repair technicians. Any person who demonstrates his knowledge and ability to conduct an inspection in compliance with the procedures, standards and requirements established by the commission under this subsection may be issued a certificate to conduct inspections pursuant to sections 643.300 to 643.355.

643.335. 1. The commission shall establish, by rule, a waiver amount which may be lower for older model vehicles and which, prior to January 1, 2001, shall be no greater than seventy-five dollars for model year vehicles prior to 1981, no greater than two hundred dollars for model year vehicles of 1981 to 1996 and no greater than four hundred and fifty dollars for model year vehicles of 1997 and all subsequent model years. On and after January 1, 2001, the commission may, by rule, set the waiver amount, except that the waiver amount shall not exceed the waiver amount provided in the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for the enhanced motor vehicle emissions inspection.

2. The commission shall establish, by rule, a form and a procedure for verifying that repair and adjustment was performed on a failing vehicle prior to the granting of a waiver and approval.

3. The waiver form established under subsection 2 of this section shall be an affidavit requiring:

(1) A statement signed by the repairer that the specified work was done and stating the itemized charges for the work; and

(2) A statement signed by the emissions inspection contractor that an inspection of the vehicle verified, to the extent practical, that the specified work was done.

4. A vehicle which fails upon reinspection to meet the emissions standards specified by the commission shall have the emissions standards waived and receive approval only if the owner furnishes a complete, signed affidavit satisfying the requirements of subsection 3 of this section and the cost of the [repair] **parts, repairs** and adjustment work performed is equal to or greater than the waiver amount established by the commission. **Costs for repair work may only be included toward reaching the waiver amount if the repairs are performed by a repair technician certified by the commission.**

5. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are covered by an emission control performance warranty provided by the manufacturer at no additional cost to the vehicle owner unless the vehicle owner provides, with the affidavit, a written denial of warranty remedy from the motor vehicle manufacturer, dealer or other person providing the warranty.

6. No cost for parts, repairs or adjustments shall be included toward reaching the waiver amount if such costs are required to correct the effects of tampering with emissions systems or air pollution control devices.

643.355. 1. Any person who knowingly misrepresents himself as an official emissions inspection station **or a certified inspector or certified repair technician** shall be guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

2. Any person who knowingly manufactures, conveys or possesses any counterfeit or illegally obtained emissions inspection certificate or a counterfeit or illegally obtained emissions inspection sticker shall be guilty of a class C misdemeanor for the first offense and a class B misdemeanor for any subsequent offense. Any person who is found guilty or who has pleaded guilty to a violation of this subsection shall be considered to have committed an offense for the purposes of this subsection.

3. Any person who knowingly displays or permits to be displayed, on any motor vehicle owned by such person, any counterfeit or illegally obtained emissions inspection sticker shall be guilty of an infraction.

4. Any person who knowingly uses any counterfeit or illegally obtained emissions inspection certificate for the purpose of obtaining any motor vehicle registration shall be guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

5. Any person who knowingly operates a motor vehicle required to be inspected and approved under sections 643.300 to 643.355 without displaying a valid emissions inspection sticker as required under section 643.315 shall be guilty of an infraction for the first offense, a class C misdemeanor for the second offense and a class B misdemeanor for any subsequent offense.

6. Except as otherwise provided in this section, any person who violates a requirement of sections 643.300 to 643.355 or a rule promulgated to enforce sections 643.300 to 643.355 shall be guilty of an infraction.

7. The superintendent of the highway patrol may seize documents which the superintendent suspects are counterfeit or illegally obtained in violation of this section for the purpose of enforcing this section. Any person who violates any procedural requirement of sections 643.300 to 643.355 shall be subject to a fine, and such fine shall be not less than five times the amount of the fee charged pursuant to section 643.350 or one hundred dollars, whichever is greater, if the violation is intentional or one involving gross negligence.

8. The unincorporated areas of any county of the first classification without a charter form of government and

with a population of at least eighty thousand shall be exempt from regulation under Rule 10-5.070 of the Code of State Regulations until such county has attained a population of at least one hundred thousand."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Scott raised the point of order that **SA 22** is out of order in that it goes beyond the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 22 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Clay offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 38, Section 135.207, Line 6 of said page, by striking "thirty-two" and inserting in lieu thereof the word "**four**"; and further on line 7, by striking the word "thirty-eight" and inserting in lieu thereof the word "**fifty-nine**"; and

Further amend said bill, page 54, section 135.245, line 26 of said page, by inserting immediately after said line, the following:

"135.247. 1. Notwithstanding the provisions of sections 135.205, 135.207, and 135.210 or any other provisions to the contrary, any area having been designated by the United States Department of Housing and Urban Development as a federal empowerment zone or by the United States Department of Agriculture as an enterprise community pursuant to the federal Omnibus Budget Reconciliation Act of 1993, title XIII, chapter I, subchapter c, shall immediately upon such federal designation become and remain a state enterprise zone until the expiration of such federal designation.

2. The credits otherwise provided by sections 135.225 and 135.235, the exemption provided by section 135.220, and the refund provided by section 135.245 shall be available to any taxpayer who establishes and operates a new business facility located within a federal empowerment zone or enterprise community on the same terms and conditions specified in sections 135.100 to 135.256. The exemption provided in section 135.215 shall be available to any taxpayer who makes improvements to real property after the date the area is designated as a federal empowerment zone or enterprise community under the same terms and conditions specified in section 135.215.

3. Notwithstanding any provision of law to the contrary, retail businesses, as defined by SICs 52 through 59, **recreational facilities, as defined by SIC 7999,**" shall be eligible for all benefits provided under the provisions of sections 135.200 to 135.256, if:

(1) Such retail business is located within a state-designated enterprise zone located wholly or partially within a federal empowerment zone or enterprise community; or

(2) Such retail business is located within a satellite enterprise zone, established pursuant to subdivision (3) of subsection 1 of section 135.207, whether or not such satellite zone is contained within a federal empowerment zone or enterprise community."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Howard assumed the Chair.

Senator Moseley offered **SA 24**:

SENATE AMENDMENT NO. 24

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 73, Section 135.526, Line 13, by inserting after all of said line the following:

"144.011. 1. For purposes of sections 144.010 to 144.525 and 144.600 to 144.748, and the taxes imposed thereby, the definition of "retail sale" or "sale at retail" shall not be construed to include any of the following:

- (1) The transfer by one corporation of substantially all of its tangible personal property to another corporation pursuant to a merger or consolidation effected under the laws of the state of Missouri or any other jurisdiction;
- (2) The transfer of tangible personal property incident to the liquidation or cessation of a taxpayer's trade or business, conducted in proprietorship, partnership or corporate form, except to the extent any transfer is made in the ordinary course of the taxpayer's trade or business;
- (3) The transfer of tangible personal property to a corporation solely in exchange for its stock or securities;
- (4) The transfer of tangible personal property to a corporation by a shareholder as a contribution to the capital of the transferee corporation;
- (5) The transfer of tangible personal property to a partnership solely in exchange for a partnership interest therein;
- (6) The transfer of tangible personal property by a partner as a contribution to the capital of the transferee partnership;
- (7) The transfer of tangible personal property by a corporation to one or more of its shareholders as a dividend, return of capital, distribution in the partial or complete liquidation of the corporation or distribution in redemption of the shareholder's interest therein;
- (8) The transfer of tangible personal property by a partnership to one or more of its partners as a current distribution, return of capital or distribution in the partial or complete liquidation of the partnership or of the partner's interest therein;
- (9) The transfer of reusable containers used in connection with the sale of tangible personal property contained therein for which a deposit is required and refunded on return;
- (10) The purchase by persons operating eating or food service establishments, of items of a nonreusable nature which are furnished to the customers of such establishments with or in conjunction with the retail sales of their food or beverage. Such items shall include, but not be limited to, wrapping or packaging materials and nonreusable paper, wood, plastic and aluminum articles such as containers, trays, napkins, dishes, silverware, cups, bags, boxes, straws, sticks and toothpicks;
- (11) The purchase by persons operating hotels, motels or other transient accommodation establishments, of items of a nonreusable nature which are furnished to the guests in the guests' rooms of such establishments and such items are included in the charge made for such accommodations. Such items shall include, but not be limited to, soap, shampoo, tissue and other toiletries;**

[(11)] **(12)** The transfer of a manufactured home other than:

- (a) A transfer which involves the delivery of the document known as the "Manufacturer's Statement of Origin" to a person other than a manufactured home dealer, as defined in section 700.450, RSMo, for purposes of allowing such person to obtain a title to the manufactured home from the department of revenue of this state or the appropriate agency or officer of any other state;

(b) A transfer which involves the delivery of a "Reposessed Title" to a resident of this state if the tax imposed by sections 144.010 to 144.525 was not paid on the transfer of the manufactured home described in paragraph (a) of this subdivision;

(c) The first transfer which occurs after December 31, 1985, if the tax imposed by sections 144.010 to 144.525 was not paid on any transfer of the same manufactured home which occurred before December 31, 1985; or

[(12)] **(13)** Charges for initiation fees or dues to:

(a) Fraternal beneficiaries societies, or domestic fraternal societies, orders or associations operating under the lodge system a substantial part of the activities of which are devoted to religious, charitable, scientific, literary, educational or fraternal purposes; or

(b) Posts or organizations of past or present members of the armed forces of the United States or an auxiliary unit or society of, or a trust or foundation for, any such post or organization substantially all of the members of which are past or present members of the armed forces of the United States or who are cadets, spouses, widows, or widowers of past or present members of the armed forces of the United States, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

2. The assumption of liabilities of the transferor by the transferee incident to any of the transactions enumerated in the above subdivisions (1) to (8) of subsection 1 of this section shall not disqualify the transfer from the exclusion described in this section, where such liability assumption is related to the property transferred and where the assumption does not have as its principal purpose the avoidance of Missouri sales or use tax.";

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted.

Senator Melton offered **SA 1** to **SA 24**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 24

Amend Senate Amendment No. 24 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 4, Section 144.011, Line 9, by inserting after the word "toiletries" the following: "and food or confectionery items offered to the guests without charge".

Senator Melton moved that the above amendment be adopted, which motion prevailed.

SA 24, as amended, was again taken up.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 73, Section 135.529, Line 13 of said page, by inserting immediately after said line, the following:

"143.782. As used in sections 143.782 to 143.788, unless the context clearly requires otherwise, the following terms shall mean and include:

(1) "Debt", any sum due and legally owed to any state agency which has accrued through contract, subrogation, tort,

or operation of law regardless of whether there is an outstanding judgment for that sum, or any support obligation which is being enforced by the division of family services on behalf of a person who is receiving support enforcement services pursuant to section 454.425, RSMo;

(2) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal entity owing a debt;

(3) "Department", the department of revenue of the state of Missouri;

(4) "Refund", the Missouri income tax refund which the department determines to be due any taxpayer [under] **pursuant to** the provisions of this chapter. The amount of a refund shall not include any senior citizens property tax credit provided by sections 135.010 to 135.035, RSMo; and

(5) "State agency", any department, division, board, commission, office, or other agency of the state of Missouri, **including public community college districts.**"; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 26**:

SENATE AMENDMENT NO. 26

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 18, Section 94.875, Line 16 of said page, by inserting immediately following said line the following:

99.820. 1. A municipality may:

(1) By ordinance introduced in the governing body of the municipality within fourteen to ninety days from the completion of the hearing required in section 99.825, approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to the notice and hearing requirements of sections 99.800 to 99.865. No redevelopment project shall be approved unless a redevelopment plan has been approved and a redevelopment area has been designated prior to or concurrently with the approval of such redevelopment project and the area selected for the redevelopment project shall include only those parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements;

(2) Make and enter into all contracts necessary or incidental to the implementation and furtherance of its redevelopment plan or project;

(3) Within a redevelopment area, subject to any constitutional limitations, acquire by purchase, donation, lease or eminent domain, own, convey, lease, mortgage, or dispose of, land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality or the commission determines is reasonably necessary to achieve the objectives of the redevelopment plan. No conveyance, lease, mortgage, disposition of land or other property, acquired by the municipality, or agreement relating to the development of the property shall be made except upon the adoption of an ordinance by the governing body of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land or agreement relating to the development of property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids;

(4) Within a redevelopment area, clear any area by demolition or removal of existing buildings and structures;

(5) Within a redevelopment area, renovate, rehabilitate, or construct any structure or building;

(6) Install, repair, construct, reconstruct, or relocate streets, utilities, and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan;

(7) Within a redevelopment area fix, charge, and collect fees, rents, and other charges for the use of any building or property owned or leased by it or any part thereof, or facility therein;

(8) Accept grants, guarantees, and donations of property, labor, or other things of value from a public or private source for use within a redevelopment area;

(9) Acquire and construct public facilities within a redevelopment area;

(10) Incur redevelopment costs and issue obligations;

(11) Make payment in lieu of taxes, or a portion thereof, to taxing districts. If payments in lieu of taxes, or a portion thereof, are made to taxing districts, those payments shall be made, from the special allocation fund, to all districts within the area selected for a redevelopment project on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the area selected for a redevelopment project;

(12) If any member of the governing body of the municipality, a member of a commission established pursuant to subsection 2 of this section, or an employee or consultant of the municipality, involved in the planning and preparation of a redevelopment plan, or redevelopment project for a redevelopment area or proposed redevelopment area, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates, terms, and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the governing body of the municipality and entered upon the minutes books of the governing body of the municipality. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, redevelopment project or redevelopment area, from voting on any matter pertaining to such redevelopment plan, redevelopment project or redevelopment area, or communicating with other members concerning any matter pertaining to that redevelopment plan, redevelopment project or redevelopment area. Furthermore, no such member or employee shall acquire any interest, direct or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan or project, or (b) first public notice of such plan, project or area pursuant to section 99.830, whichever first occurs.

2. Prior to adoption of an ordinance approving the designation of a redevelopment area or approving a redevelopment plan or redevelopment project, the municipality shall create a commission of [nine] **eleven** persons to be appointed as follows:

(1) Two members shall be appointed by the school boards whose districts are included within the redevelopment plan or redevelopment area. Such members shall be appointed in any manner agreed upon by the affected districts;

(2) One member shall be appointed, in any manner agreed upon by the affected districts, to represent all other districts levying ad valorem taxes within the area selected for a redevelopment project or the redevelopment area, excluding representatives of the governing body of the municipality; [and]

(3) Two members shall be appointed by the county of such municipality; and

[(3)] **(4)** Six members shall be appointed by the chief elected officer of the municipality with the consent of the majority of the governing body of the municipality. The members who are appointed by the school boards and other taxing districts shall serve on the commission for a term to coincide with the length of time a redevelopment project, redevelopment plan or designation of a redevelopment area, is considered for approval by the commission. Such term shall terminate upon final approval of the project, plan or designation of the area by the governing body of the municipality. Thereafter the commission shall consist of the six members appointed by the municipality, except that members representing school boards and other taxing districts shall be appointed as provided in this section prior to any amendments to any redevelopment plans, redevelopment projects or designation of a redevelopment area. If any school district or other taxing jurisdiction fails to appoint members of the commission within thirty days of receipt of written

notice of a proposed redevelopment plan, redevelopment project or designation of a redevelopment area, the remaining members may proceed to exercise the power of the commission. Of the members first appointed by the municipality, two shall be designated to serve for terms of two years, two shall be designated to serve for a term of three years and two shall be designated to serve for a term of four years from the date of such initial appointments. Thereafter, the members appointed by the municipality shall serve for a term of four years, except that all vacancies shall be filled for unexpired terms in the same manner as were the original appointments.

3. The commission, subject to approval of the governing body of the municipality, may exercise the powers enumerated in this act except final approval of plans, projects and designation of redevelopment areas. The commission shall hold public hearings and provide notice pursuant to sections 99.825 and 99.830. The commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas, and amendments thereto, within thirty days following completion of the hearing on any such plan, project or designation and shall make recommendations to the governing body within ninety days of the hearing referred to in section 99.825 concerning the adoption of, or amendment to redevelopment plans, and redevelopment projects and the designation of redevelopment areas. The requirements of subsections 2 and 3 of this section shall not apply to redevelopment projects upon which the required hearings have been duly held prior to August 31, 1991." and

Further amend said bill by amending the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Flotron offered **SA 1** to **SA 26**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 26

Amend Senate Amendment No. 26 to Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 2, Section 99.820, Line 38 of said page at the end of said line by adding the following:

"(4) One member appointed by the fire protection district of said area if it exists."; and further amend the paragraph numbers accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed.

Senator Rohrbach moved that **SA 26** be adopted, which motion failed.

Senator Kenney offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 115, Section 620.1039, Line 2, by deleting "or 143.471," and insert in lieu thereof the following: ", **143.471 or 148.370**"; and

Further amend said section, line 7, by inserting after "143" the following: "**or Chapter 148**"; and

Further amend said section, page 116, line 1, by placing brackets around the word "income" and on line 2, by inserting after "143" on said line the following "**or Chapter 148**".

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Kenney offered **SA 28**:

SENATE AMENDMENT NO. 28

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 94, Section 260.831, Line 1 of said page, by inserting immediately after said line, the following:

"260.833. 1. Each operator of a solid waste sanitary or demolition landfill operated by a municipality located within a county of the first classification with a charter form of government containing part of a city within population of more than three hundred fifty thousand may, upon voter approval as detailed in section 260.835, collect a fee of fifteen cents per ton or its volumetric equivalent of solid waste accepted. Such fee may be collected in addition to any fee authorized or imposed pursuant to the provisions of sections 260.330 and 260.831, and may be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, 1996, may be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator may submit the fee, less collection costs, to the city, which may dedicate such funds for use by the city and such funds may be used for the management and disposal of hazardous household waste. Collection costs may be the same as established by the department of natural resources pursuant to section 260.330, and may not exceed two percent of the amount collected pursuant to this section.

2. The fee established in this section may be enumerated separately from any disposal fee charged by the landfill. The fee authorized pursuant to this section may be stated as a separate surcharge on each individual solid waste collection customer's invoice and the invoice may also name the industrial development authority which receives the funds. Moneys transmitted to the city may be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such fee shall not relieve the operator from responsibility for transmitting an amount equal to the fee to the city.

260.835. 1. The governing body of any city described in section 260.833 is hereby authorized to impose, by ordinance, a fee as detailed in section 260.833. The fee authorized by this section shall be in addition to any and all other applicable fees allowed by law, except that no ordinance imposing a fee under the provisions of this section shall be effective unless the governing body of the city submits to the voters of the city and, at a state or municipal, primary or special election, a proposal to authorize the governing body of the city to impose or retain such a fee.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city of (City's name) allow a solid waste sanitary or demolition landfill to collect a fee of fifteen cents per ton or its volumetric equivalent of solid waste accepted for the purpose of management and disposal of hazardous household waste?

[] YES [] NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance shall become effective sixty days thereafter. If a majority of the votes cast on the proposal by the qualified voters voting are opposed to the proposal, then the governing body of the city shall have no power to allow the fee herein authorized unless and until the governing body of the city shall again have submitted another proposal to authorize the governing body of the city to allow the fee authorized by section 260.833 and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city from the fee authorized pursuant to the provisions of sections 260.833 and 260.835 shall be deposited in a special trust fund and shall be used by the governing body of the city as specified in section 260.833. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city

funds."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 29**, which was read:

SENATE AMENDMENT NO. 29

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 17, Section 67.1000, Lines 4 and 5, by placing an opening bracket "[" before the word "more" on line 4 and a closing bracket "]" after the word "but" on line 5.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, page 54, Section 135.245, Line 26 of said page, by inserting immediately after said line the following:

"135.247. 1. Notwithstanding the provisions of sections 135.205, 135.207, and 135.210 or any other provisions to the contrary, any area having been designated by the United States Department of Housing and Urban Development as a federal empowerment zone or by the United States Department of Agriculture as an enterprise community pursuant to the federal Omnibus Budget Reconciliation Act of 1993, title XIII, chapter I, subchapter c, shall immediately upon such federal designation become and remain a state enterprise zone until the expiration of such federal designation.

2. The credits otherwise provided by sections 135.225 and 135.235, the exemption provided by section 135.220, and the refund provided by section 135.245 shall be available to any taxpayer who establishes and operates a new business facility located within a federal empowerment zone or enterprise community on the same terms and conditions specified in sections 135.100 to 135.256. The exemption provided in section 135.215 shall be available to any taxpayer who makes improvements to real property after the date the area is designated as a federal empowerment zone or enterprise community under the same terms and conditions specified in section 135.215.

3. Notwithstanding any provision of law to the contrary, retail businesses, as defined by SICs 52 through 59, **and historical hotels, as defined by SIC 7011,**" shall be eligible for all benefits provided [under] **pursuant to** the provisions of sections 135.200 to 135.256, if:

(1) Such retail business is located within a state-designated enterprise zone located wholly or partially within a federal empowerment zone or enterprise community; or

(2) Such retail business is located within a satellite enterprise zone, established pursuant to subdivision (3) of subsection 1 of section 135.207, whether or not such satellite zone is contained within a federal empowerment zone or enterprise community."; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 14, Section 67.641, Line 1, by inserting immediately after "government" on said line, the following: **"on August 28, 1989,"**.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 17, Section 67.1000, Line 20, by inserting after all of said line the following:

"71.015. 1. Should any city, town, or village, not located in any county of the first classification which has adopted a constitutional charter for its own local government, seek to annex an area to which objection is made, the following shall be satisfied:

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

(2) The governing body of any city, town, or village shall propose an ordinance setting forth the following:

(a) The area to be annexed and affirmatively stating that the boundaries comply with the condition precedent referred to in subdivision (1) above;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village;

(c) That the city has developed a "plan of intent" to provide services to the area proposed for annexation;

(d) That a public hearing shall be held prior to the adoption of the ordinance;

(e) When the annexation is proposed to be effective, the effective date being up to thirty-six months from the date of any election held in conjunction thereto.

(3) The city, town, or village shall fix a date for a public hearing on the ordinance and make a good faith effort to notify all fee owners of record within the area proposed to be annexed by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all residents of the area by publication of notice in a newspaper of general circulation qualified to publish legal matters in the county or counties where the proposed area is located, at least [two weeks prior to] **once a week for three consecutive weeks prior to the hearing, with at least one such notice being not more than twenty days and not less than ten days before the hearing.**

(4) At the hearing referred to in subdivision (3), the city, town, or village shall present the "plan of intent" and evidence in support thereof to include:

(a) A list of major services presently provided by the city, town, or village including, but not limited to, police and fire protection, water and sewer systems, street maintenance, parks and recreation, refuse collection, etc.;

(b) A proposed time schedule whereby the city, town, or village plans to provide such services to the residents of the proposed area to be annexed within three years from the date the annexation is to become effective;

(c) The level at which the city, town, or village assesses property and the rate at which it taxes that property;

(d) How the city, town, or village proposes to zone the area to be annexed;

(e) When the proposed annexation shall become effective.

(5) Following the hearing, should the governing body of the city, town, or village vote favorably by ordinance to annex the area, then before proceeding as otherwise authorized by law or charter for annexation of unincorporated areas, file an action in the circuit court of the county in which such unincorporated area is situated, under the provisions of chapter 527, RSMo, praying for a declaratory judgment authorizing such annexation. The petition in such action shall state facts showing:

(a) The area to be annexed and its conformity with the condition precedent referred to in subdivision (1) of this subsection;

(b) That such annexation is reasonable and necessary to the proper development of the city, town, or village; and

(c) The ability of the city, town, or village to furnish normal municipal services of the city, town, or village to the unincorporated area within a reasonable time not to exceed three years after the annexation is to become effective. Such action shall be a class action against the inhabitants of such unincorporated area under the provisions of section 507.070, RSMo.

(6) Except as provided in subsection 3 of this section, if the court authorizes the city, town, or village to make an annexation, the legislative body of such city, town, or village shall not have the power to extend the limits of the city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in the city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed. However, should less than a majority of the total votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon in not more than one hundred twenty days by both the registered voters of the city, town, or village and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought to be annexed may be the subject of another proposal to annex for a period of two years from the date of the election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized be held, except as herein otherwise provided, in accordance with the general state law governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory.

(7) Failure to comply in providing services to the said area or to zone in compliance with the "plan of intent" within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in the area at the time the annexation became effective.

(8) No city, town, or village which has filed an action under this section as this section read prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such annexation proceeding[.];

(9) If the area proposed for annexation includes a public road or highway but does not include all of the land adjoining such road or highway, then such fee owners of record, of the lands adjoining said highway shall be permitted to intervene in the declaratory judgment action described in subdivision (5) of this subsection.

2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any city with a population of three hundred fifty thousand or more inhabitants which is located in more than one county that becomes effective after August 28, 1994, if such city has not provided water and sewer service to such annexed area within three years of the effective date of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such water and sewer service to the annexed area is made unreasonable by an act of God. The cause of action for deannexation may be filed in the circuit court by any resident of the annexed area who is presently residing in the area at the time of the filing

of the suit and was a resident of the annexed area at the time the annexation became effective. If the suit for deannexation is successful, the city shall be liable for all court costs and attorney fees.

3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all cities, towns, and villages located in any county of the first classification with a charter form of government with a population of two hundred thousand or more inhabitants which adjoins a county with a population of nine hundred thousand or more inhabitants shall comply with the provisions of this subsection. If the court authorizes any city, town, or village subject to this subsection to make an annexation, the legislative body of such city, town or village shall not have the power to extend the limits of such city, town, or village by such annexation until an election is held at which the proposition for annexation is approved by a majority of the total votes cast in such city, town, or village and by a separate majority of the total votes cast in the unincorporated territory sought to be annexed; except that:

(1) In the case of a proposed annexation in any area which is contiguous to the existing city, town or village and which is within an area designated as flood plain by the Federal Emergency Management Agency and which is inhabited by no more than thirty registered voters and for which a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation and where notarized affidavits expressing approval of the proposed annexation are obtained from a majority of the registered voters residing in the area to be annexed, the area may be annexed by an ordinance duly enacted by the governing body and no elections shall be required; and

(2) In the case of a proposed annexation of unincorporated territory in which no qualified electors reside, if at least a majority of the qualified electors voting on the proposition are in favor of the annexation, the city, town or village may proceed to annex the territory and no subsequent election shall be required.

If the proposal fails to receive the necessary separate majorities, no part of the area sought to be annexed may be the subject of any other proposal to annex for a period of two years from the date of such election, except that, during the two-year period, the owners of all fee interests of record in the area or any portion of the area may petition the city, town, or village for the annexation of the land owned by them pursuant to the procedures in section 71.012. The election shall, if authorized, be held, except as otherwise provided in this section, in accordance with the general state laws governing special elections, and the entire cost of the election or elections shall be paid by the city, town, or village proposing to annex the territory. Failure of the city, town or village to comply in providing services to the area or to zone in compliance with the "plan of intent" within three years after the effective date of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit court by any resident of the area who was residing in such area at the time the annexation became effective or by any nonresident owner of real property in such area."; and

Further amend said bill, by amending the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Ehlmann offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 92, Section 172.273, Line 16 of said page, by inserting immediately after said line, the following:

"226.520. On and after March 30, 1972, no outdoor advertising shall be erected or maintained within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of any highway which is a part of the interstate or primary system in this state except the following:

(1) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement sections 226.500 to 226.600, but such regulations shall not be inconsistent with, nor more

restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of section 131 of Title 23 of the United States Code;

(2) Signs, displays, and devices advertising activities **which are the primary activities** conducted on the property upon which they are located, or services and products **which are among the primary services and products** therein provided;

(3) Outdoor advertising located in areas which are zoned industrial, commercial or the like as provided in sections 226.500 to 226.600 or under other authority of law;

(4) Outdoor advertising located in unzoned commercial or industrial areas as defined and determined pursuant to sections 226.500 to 226.600;

(5) Outdoor advertising for tourist oriented businesses, and scoreboards used in sporting events or other electronic signs with changeable messages which are not prohibited by federal regulations or local zoning ordinances. Outdoor advertising which is authorized by this subdivision (5) shall only be allowed to the extent that such outdoor advertising is not prohibited by Title 23, United States Code, section 131, as now or thereafter amended, and lawful regulations promulgated thereunder. The general assembly finds and declares it to be the policy of the state of Missouri that the tourism industry is of major and critical importance to the economic well-being of the state and that directional signs, displays and devices providing directional information about goods and services in the interest of the traveling public is essential to the economic welfare of the tourism industry. The general assembly further finds and declares that the removal of directional signs advertising tourist oriented businesses is harmful to the tourism industry in Missouri and that the removal of directional signs within or near areas of the state where there is high concentration of tourist oriented businesses would have a particularly harmful effect upon the economies within such areas. The state highways and transportation commission is authorized and directed to determine those specific areas of the state of Missouri in which there is high concentration of tourist oriented businesses, and within such areas, no directional signs, displays and devices which are lawfully erected, which are maintained in good repair, which provide directional information about goods and services in the interest of the traveling public, and which would otherwise be required to be removed because they are not allowed to be maintained under the provisions of sections 226.500 through 226.600 shall be required to be removed until such time as such removal has been finally ordered by the United States Secretary of Transportation;

(6) The provisions of this section shall not be construed to require removal of signs advertising churches or items of religious significance, items of native arts and crafts, woodworking in native products, or native items of artistic, historical, geologic significance, or hospitals or airports."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted.

Senator Maxwell raised the point of order that **SA 33** is out of order in that the amendment goes beyond the purpose and scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Quick resumed the Chair.

Senator Ehlmann offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section B, Line 1, by inserting immediately before said line, the following:

"Section 27. 1. Notwithstanding any other provisions of law to the contrary, the authority to issue any new tax credits pursuant to any of the following sections shall terminate on December 31, 1997: sections 32.100 to 32.125,

RSMo, sections 135.100 to 135.160, RSMo, and sections 135.200 to 135.256, RSMo.

2. Notwithstanding any other provisions of law to the contrary, the authority to issue any new tax credits pursuant to any of the following sections shall terminate on December 31, 1988: sections 135.350-135.363, and section 620.495, RSMo.

3. Notwithstanding any other provisions of law to the contrary, the authority to issue any new tax credits pursuant to any of the following sections shall terminate on December 31, 1999: sections 135.400 and 620.1039, RSMo, sections 173.196 to 173.199, RSMo, and sections 447.700 to 447.718, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Scott offered **SA 35**, which was read:

SENATE AMENDMENT NO. 35

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section 26, Line 21, by inserting after said line the following:

"Section 27. Any managed care plan that offers health care coverage for children and mothers shall include all providers and pharmacists who provide services within the plan's geographical service area into the offered plan."; and further amend said title and enacting clause.

Senator Scott moved that the above amendment be adopted.

Senator Maxwell raised the point of order that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Melton offered **SA 36**, which was read:

SENATE AMENDMENT NO. 36

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 124, Section 1, by removing said section; and further amend the title and enacting clause accordingly.

Senator Melton moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 73, Section 135.529, Line 13, by inserting immediately after said line the following:

"143.451. 1. Missouri taxable income of a corporation shall include all income derived from sources within this state.

2. A corporation described in subdivision (1) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income from sources within this state, including that from the transaction of business in this state and that from the transaction of business partly done in this state and partly done in another state or states. However:

(1) Where income results from a transaction partially in this state and partially in another state or states, and income and deductions of the portion in the state cannot be segregated, then such portions of income and deductions shall be

allocated in this state and other state or states as will distribute to this state a portion based upon the portion of the transaction in this state and the portion in such other state or states.

(2) The taxpayer may elect to compute the portion of income from all sources in this state in the following manner:

(a) The income from all sources shall be determined as provided, excluding therefrom the figures for the operation of any bridge connecting this state with another state.

(b) The amount of sales which are transactions wholly in this state shall be added to one-half of the amount of sales which are transactions partly within this state and partly without this state, and the amount thus obtained shall be divided by the total sales or in cases where sales do not express the volume of business, the amount of business transacted wholly in this state shall be added to one-half of the amount of business transacted partly in this state and partly outside this state and the amount thus obtained shall be divided by the total amount of business transacted, and the net income shall be multiplied by the fraction thus obtained, to determine the proportion of income to be used to arrive at the amount of Missouri taxable income. The investment or reinvestment of its own funds, or sale of any such investment or reinvestment, shall not be considered as sales or other business transacted for the determination of said fraction.

(3) For the purposes of this section, a transaction involving the sale of tangible property is:

(a) "Wholly in this state" if both the seller's shipping point and the purchaser's destination point are in this state;

(b) "Partly within this state and partly without this state" if the seller's shipping point is in this state and the purchaser's destination point is outside this state, or the seller's shipping point is outside this state and the purchaser's destination point is in this state;

(c) Not "wholly in this state" or not "partly within this state and partly without this state" only if both the seller's shipping point and the purchaser's destination point are outside this state;

(d) [This subdivision shall not apply and subdivision (2) of subsection 2 of this section shall apply to transactions in which tangible property was moved from within this state to another state prior to shipment to the purchaser or in which both the seller's shipping point and the purchaser's destination point of tangible property are determined to be in states which do not have jurisdiction to impose a franchise or an income tax on the taxpayer regardless of whether the states impose such a tax;

(e)] For purposes of this subdivision the purchaser's destination point shall be determined without regard to the FOB point or other conditions of the sale, and the seller's shipping point is determined without regard to the location of the seller's principle office or place of business.

3. Any corporation described in subdivision (1) of subsection 1 of section 143.441 organized in this state or granted a permit to operate in this state for the transportation or care of passengers shall report its gross earnings within the state on intrastate business and shall also report its gross earnings on all interstate business done in this state which report shall be subject to inquiry for the purpose of determining the amount of income to be included in Missouri taxable income. The previous sentence shall not apply to a railroad.

4. A corporation described in subdivision (2) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources in this state and all income from each transportation service wholly within this state, from each service where the only lines of such corporation used are those in this state, and such proportion of revenue from each service where the facilities of such corporation in this state and in another state or states are used, as the mileage used over the lines of such corporation in the state shall bear to the total mileage used over the lines of such corporation. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year of any fixed transportation facilities, real estate and improvements in this state leased from any other railroad shall be divided by the sum of the total amount of investment of such corporation on December thirty-first of each year in fixed transportation facilities, real estate and improvements, plus the value on December thirty-first of each year, of any fixed transportation facilities, real estate and improvements leased from any other railroad. Where any fixed transportation facilities, real estate or improvements are leased by more than one railroad, such portion of the value shall be used by each railroad as the rental paid by each shall bear to the rental paid by all lessees. The income shall be multiplied by the fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

5. A corporation described in subdivision (3) of subsection 1 of section 143.441 shall include in its Missouri taxable income one-half of the net income from the operation of a bridge between this and another state. If any such bridge is owned or operated by a railroad corporation or corporations, or by a corporation owning a railroad corporation using such bridge, then the figures for operation of such bridge may be included in the return of such railroad or railroads; or if such bridge is owned or operated by any other corporation which may now or hereafter be required to file an income tax return, one-half of the income or loss to such corporation from such bridge may be included in such return by adding or subtracting same to or from another net income or loss shown by the return.

6. A corporation described in subdivision (4) of subsection 1 of section 143.441 shall include in its Missouri taxable income all income arising from all sources within this state. Income shall include revenue from each telephonic or telegraphic service rendered wholly within this state; from each service rendered for which the only facilities of such corporation used are those in this state; and from each service rendered over the facilities of such corporation in this state and in other state or states, such proportion of such revenue as the mileage involved in this state shall bear to the total mileage involved over the lines of said company in all states. The taxpayer may elect to compute the portion of income from all sources within this state in the following manner:

(1) The income from all sources shall be determined as provided;

(2) The amount of investment of such corporation on December thirty-first of each year in this state in telephonic or telegraphic facilities, real estate and improvements thereon, shall be divided by the amount of the total investment of such corporation on December thirty-first of each year in telephonic or telegraphic facilities, real estate and improvements. The income of the taxpayer shall be multiplied by fraction thus obtained to determine the proportion to be used to arrive at the amount of Missouri taxable income.

7. From the income determined in subsections 2, 3, 4, 5 and 6 of this section to be from all sources within this state shall be deducted such of the deductions for expenses in determining Missouri taxable income as were incurred in this state to produce such income and all losses actually sustained in this state in the business of the corporation.

8. If a corporation derives only part of its income from sources within Missouri, its Missouri taxable income shall only reflect the effect of the following listed deductions to the extent applicable to Missouri. The deductions are: (a) its deduction for federal income taxes pursuant to section 143.171, and (b) the effect on Missouri taxable income of the deduction for net operating loss allowed by Section 172 of the Internal Revenue Code. The extent applicable to Missouri shall be determined by multiplying the amount that would otherwise affect Missouri taxable income by the ratio for the year of the Missouri taxable income of the corporation for the year divided by the Missouri taxable income for the year as though the corporation had derived all of its income from sources within Missouri. For the purpose of the preceding sentence, Missouri taxable income shall not reflect the listed deductions."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 38**, which was read:

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Pages 128-132, Sections 2-6, by deleting all of said sections; and further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

Senator Goode offered **SA 39**:

SENATE AMENDMENT NO. 39

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 18, Section 94.875, Line 16, by inserting immediately after said line, the following:

"99.430. 1. Preparation and approval of redevelopment and urban renewal plans shall be carried out within the following regulations:

(1) An authority shall not acquire real property for a land clearance or urban renewal project unless the governing body of the community in which the land clearance project area or urban renewal project area is located has approved the redevelopment or urban renewal plan, as prescribed in subdivision (9) of this section.

(2) An authority shall not prepare a redevelopment or an urban renewal plan for a land clearance or urban renewal project area unless the governing body of the community in which the area is located has declared, by resolution or ordinance, the area to be a blighted, or insanitary area in need of redevelopment or in need of rehabilitation.

(3) An authority shall not recommend a redevelopment or urban renewal plan to the governing body of the community in which the land clearance or urban renewal project area is located until a general plan for the development of the community has been prepared.

(4) The authority itself may prepare or cause to be prepared a redevelopment or urban renewal plan or any person or agency, public or private, may submit such a plan to an authority. A redevelopment or urban renewal plan shall be sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements and the proposed land uses and building requirements in the land clearance or urban renewal project area, and shall include without being limited to:

(a) The boundaries of the land clearance or urban renewal project area, with a map showing the existing uses and condition of the real property therein;

(b) A land use plan showing proposed uses of the area;

(c) Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment or urban renewal;

(d) A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, building codes and ordinances;

(e) A statement as to the kind and number of additional public facilities or utilities which will be required in the area after redevelopment or urban renewal; and

(f) A schedule indicating the estimated length of time needed for completion of each phase of the plan.

(5) Prior to recommending a redevelopment or urban renewal plan to the governing body for approval, an authority shall submit the plan to the planning agency, if any, of the community in which the land clearance or urban renewal project area is located for review and recommendations as to its conformity with the general plan for the development of the community as a whole. The planning agency shall submit its written recommendations with respect to the proposed

redevelopment or urban renewal plan to the authority within thirty days after receipt of the plan for review. Upon receipt of the recommendations of the planning agency, or, if no recommendations are received within the thirty days, then without the recommendations, an authority may recommend the redevelopment or urban renewal plan to the governing body of the community for approval.

(6) Prior to recommending a redevelopment or urban renewal plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the land clearance or urban renewal project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the community and its environs which, in accordance with present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or insanitary areas, or conditions of blight or deterioration, and the provision of adequate, safe and sanitary dwelling accommodations.

(7) The recommendation of a redevelopment or urban renewal plan by an authority to the governing body shall be accompanied by the recommendations, if any, of the planning commission concerning the redevelopment or urban renewal plan; a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment or urban renewal of the land clearance or urban renewal project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the project; a statement of a feasible method proposed for the relocation of families to be displaced from the land clearance or urban renewal project area; and a schedule indicating the estimated length of time needed for completion of each phase of the plan.

(8) The governing body of the community shall hold a public hearing on any redevelopment or urban renewal plan or substantial modification thereof recommended by the authority, after public notice thereof by publication in a newspaper of general circulation in the community once each week for [two] **three** consecutive weeks, the last publication to be at least ten days prior to the date set for hearing. **The governing body shall also post a notice at the main entrance to any commercial building, at the entrance to any residential street, and in other public areas within the area covered by the plan. The notices shall be posted at least 15 days prior to the hearing.** The notice shall describe the time, date, place and purpose of the hearing and shall also generally identify the area to be covered by the plan. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed redevelopment or urban renewal plan.

(9) Following the hearing, the governing body may approve a redevelopment or urban renewal plan if it finds that the plan is feasible and in conformity with the general plan for the development of the community as a whole. A redevelopment or urban renewal plan which has not been approved by the governing body when recommended by the authority may be recommended again to it with any modifications deemed advisable.

(10) A redevelopment or urban renewal plan may be modified at any time by the authority, provided that, if modified after the lease or sale of real property in the land clearance or urban renewal project area, the modification must be consented to by the redeveloper of the real property or his successor, or their successors in interest affected by the proposed modification. Where the proposed modification will substantially change the redevelopment or urban renewal plan as previously approved by the governing body, the modification must similarly be approved by the governing body.

2. As an alternative to the procedures prescribed in subdivisions (2) and (5) of subsection 1, an authority may find an area to be a blighted, insanitary or undeveloped area in need of redevelopment or rehabilitation, and simultaneously prepare a plan, or adopt a plan presented to the authority, and the authority may simultaneously recommend its finding of a blighted, insanitary or undeveloped area and the approval of a plan to the governing body of the community, and the governing body may make its finding that the area is blighted, insanitary or undeveloped and approve the plan simultaneously. Simultaneously with such recommendation of a finding of a blighted or insanitary or undeveloped industrial area and recommendation of a plan to the governing body for approval, an authority shall submit the finding

of a blighted or insanitary or undeveloped area and the plan to the planning agency, if any, of the community in which the project area is located for review and recommendation as to the conformity of the plan to the general plan for the development of the community as a whole. The planning agency shall submit its written recommendations with respect to the finding of a blighted or insanitary or undeveloped industrial area and the plan to the authority and the local governing body within thirty days after receipt of the findings and the plan for review. Upon receipt of the recommendations of the planning agency, or, if no recommendations are received within the thirty days, then without the recommendations, the governing body may simultaneously approve the finding of a blighted or insanitary or undeveloped area and approve the plan in the manner prescribed in subdivisions (8) and (9) of subsection 1."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted, which motion prevailed.

Senator Rohrbach offered **SA 40**, which was read:

SENATE AMENDMENT NO. 40

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Pages 58-73, Sections 135.500-135.529, by deleting said sections in their entirety; and further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Howard resumed the Chair.

Senator Johnson assumed the Chair.

Senator Flotron offered **SSA 1** for **SA 40**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 40

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 61, Section 135.500, Lines 26-22 on page 62, by striking the complete sentence on said lines.

Senator Flotron moved that the above substitute amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 41**:

SENATE AMENDMENT NO. 41

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section 26, Line 21 of said page, by inserting immediately after said line, the following:

"Section 27. Any board, commission or other body politic, designated by a city or county to negotiate leases or development agreements regarding excursion gambling boat operations licensed pursuant to sections 313.800 to 313.850, RSMo, or such body that has been designated to make recommendations to the governing body of a city or county regarding activities licensed pursuant to sections 313.800 to 313.850, RSMo, may be subject to a background investigation by the Missouri gaming commission. The commission may report the results of its investigation to the governing body of the city or county."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted.

Senator Howard offered SSA 1 for SA 41:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 41

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 155, Section 26, Line 21 of said page, by inserting immediately after said line, the following:

"Section 27. Any board, commission or other body, designated by a city or county to negotiate leases or development agreements regarding excursion gambling boat operations licensed pursuant to sections 313.800 to 313.850, RSMo, or such body that has been designated to make recommendations to the governing body of a city or county regarding activities licensed pursuant to sections 313.800 to 313.850, RSMo, may be subject to a background investigation by the Missouri gaming commission. The commission may report the results of its investigation to the governing body of the city or county.

Section 28. No member of the general assembly or any person within the first degree of consanguinity of such member may be employed by an excursion gambling boat:

(1) While such member is in office; or

(2) Within one year after such member leaves office."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above substitute amendment be adopted, which motion prevailed.

Senator Maxwell offered SA 42:

SENATE AMENDMENT NO. 42

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 98, Section 338.196, Line 12, by inserting after all of said line the following:

"370.366. 1. Upon compliance with any applicable laws of the United States and upon obtaining the approval of the directors of the division of finance and the division of credit unions within the department of economic development, any central credit union organized pursuant to section 370.365 may be converted under the laws of this state into a bank or trust company located in this state, or may be consolidated or merged with one or more banks or trust companies or central credit unions incorporated under the laws of the United States or any state under the charter of a bank or trust company incorporated under the laws of this state; provided, however, that the central credit union and its members must comply with the procedure, notice and voting requirements of sections 370.351 to 370.357, and that the approval of the director of finance shall not be required for transactions not involving a bank or trust company. The name of the resulting or surviving bank or trust company in the case of conversion, consolidation or merger may be the name of a party to the conversion, consolidation or merger, provided that in no case shall the name contain the word "national" or "federal" or be the same as or deceptively similar to the name of any bank or trust company incorporated under the laws of this state which is engaged in business at the time of the particular conversion, consolidation or merger and is not a party thereto.

2. (1) In the case of conversion the majority of the board of directors of the central credit union shall proceed as is provided by law for other individuals incorporating a bank or trust company under the laws of this state except that the articles of agreement:

(a) May provide that instead of the capital stock having actually been paid up in money it is to be paid up in assets of the converting central credit union, the net value of which is equal to at least the full amount of the capital stock of the proposed resulting bank or trust company which capital stock shall be no less than that

required by law for a bank or trust company, as the case may be, to be located in the state of Missouri;

(b) Shall provide that the proposed resulting bank or trust company is and shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting central credit union although as to rights, powers and duties the proposed resulting institution is a bank or trust company incorporated under the laws of the state of Missouri;

(c) Shall set out the names and addresses of all persons who are to be officers of the proposed bank or trust company; and

(d) Shall set out the manner as provided in subdivision (1) of section 370.356 in which the ownership interest of the members shall be converted into stock of the resulting bank or trust company which stock ownership by the member or shareholder shall be lawful for this sole purpose; provided, however, that the director of finance may reject any such application upon a determination that the statutory treatment accorded the members of the converting central credit union is not fair and reasonable.

(2) If the director of finance, as the result of an examination and investigation made by the division of finance, is satisfied that such assets are of such value and that the character, responsibility and general fitness of the persons named in the articles of agreement are such as to command confidence and warrant belief that the business of the proposed corporation will be honestly and efficiently conducted in accordance with the purpose and intent of the laws of this state relative to banks or trust companies, the director of finance shall grant the charter. If the director of finance is not satisfied, the director of finance shall forthwith give notice thereof to the majority of the board of directors of the converting central credit union who shall have the same right of appeal as is provided by the laws of this state in the case of the proposed incorporators of a new bank or trust company.

(3) Upon the approval of the particular conversion being granted, the director of finance shall execute and deliver to the majority of the board of directors of the converting central credit union a certificate declaring that the bank or trust company therein named has been duly organized and is the institution resulting from the conversion of the central credit union into the resulting bank or trust company, and that the resulting bank or trust company is and shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting central credit union. The certificate shall be recorded in the office of the recorder of deeds of the county or city in which the resulting bank or trust company is located and the certificate so recorded, or certified copies thereof, shall be taken in all the courts of this state as evidence of the conversion of the central credit union into the resulting bank or trust company and that the resulting bank or trust company is the same business and corporate entity as, and a continuation of the corporate entity and identity of, the converting central credit union.

(4) When the director of finance has given a certificate as aforesaid:

(a) The resulting bank or trust company and all its stockholders, directors, officers, and employees shall have the same powers and privileges and be subject to the same duties and liabilities in all respects as if such an institution had originally been organized as a bank or trust company under the laws of this state;

(b) All the rights, franchises, and interests of the converting central credit union in and to every type of property, real, personal and mixed, and choses in action thereto belonging shall be deemed to be transferred to and vest in the resulting bank or trust company without any deed or other transfer; and

(c) The resulting bank or trust company by virtue of the conversion and without any order of any court or otherwise shall hold and enjoy the same and all rights of property and interests including, but not limited to, appointments, designations and nominations and all other rights and interests, as trustee, personal representative, conservator, receiver, registrar, assignee and every other fiduciary capacity in the same manner and to the same extent as these rights and interests were held or enjoyed by the converting central credit union at the time of its conversion into the resulting bank or trust company; provided, however, that its corporate powers shall be limited to those granted to a bank or trust company under the laws of this state.

3. In the case of consolidation or merger, the same shall be consummated by each federally chartered central credit union complying with the laws of the United States relating to the consent of its members, by each state chartered central credit union complying with sections 370.351 to 370.357 relating to the consent of its members, and also by each bank or trust company complying with the provisions of the laws of this state relating to consolidation or merger of banks or trust companies, except that where the resulting institution is a bank rather than a trust company the number and qualifications of directors and any requirement that directors shall or may be divided into classes shall be determined as provided by law for banks. The rights of dissenting shareholders of the bank or trust company shall be determined as provided by the laws of this state in the case of consolidation or merger of banks or trust companies. The rights of dissenting shareholders of the central credit union shall be determined as provided by section 370.356. In the case of consolidation or merger the resulting bank or trust company shall be considered the same business and corporate entity as, and a continuation of the corporate entity and identity of, each central credit union and each bank or trust company which is a party to the consolidation or merger."; and

Further amend title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed.

Senators Schneider and Maxwell offered **SA 43**:

SENATE AMENDMENT NO. 43

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 73, Section 135.529, Line 13 of said page, by inserting immediately after said line the following:

"143.121. 1. The Missouri adjusted gross income of a resident individual shall be his federal adjusted gross income subject to the modifications in this section.

2. There shall be added to his federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added under this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars;

(c) Any expenditure made by a lobbyist to the extent the expenditure was deducted in arriving at federal adjusted gross income. The terms "expenditure" and "lobbyist" shall have the same meaning as defined in section 105.470, RSMo, and shall include expenditures made to "public officials" as defined in section 105.470;

(d) Any portion of dues paid by a member to a trade or professional association which are paid by such trade or professional association to a lobbyist.

3. There shall be subtracted from his federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(a) Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes under the laws of the United States. The amount subtracted under this paragraph shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend

income described in this paragraph. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining his federal adjusted gross income or included in his Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(b) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(e) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(f) The portion of capital gain specified in subsection 3 of section 135.357, RSMo, that would otherwise be included in federal adjusted gross income.

4. There shall be added to or subtracted from his federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from his federal adjusted gross income the modifications provided in section 143.411."; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Kinder offered **SA 44**:

SENATE AMENDMENT NO. 44

Amend Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 112, Section 620.482, Line 12 of said page, by inserting after the comma "," the following: "**proprietary schools as defined in section 173.600, RSMo**,".

Senator Kinder moved that the above amendment be adopted, which motion failed.

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, be adopted, which motion prevailed.

Senator Maxwell was recognized to close.

Senator Howard resumed the Chair.

President Pro Tem Mathewson referred **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, to the Committee on State Budget Control.

HB 809, with **SCA 1**, introduced by Representatives Shields and Tate, entitled:

An Act to repeal section 190.145, RSMo 1994, relating to licensing of certain emergency personnel, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Johnson.

SCA 1 was taken up.

Senator Johnson moved that the above amendment be adopted, which motion failed.

Senator Johnson offered **SS** for **HB 809**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 809

An Act to repeal sections 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.145, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.243, 190.245 and 190.247, RSMo 1994, section 190.145 as enacted by the second regular session of the eighty-eighth general assembly in senate bill no. 530 and delivered to the governor on April 22, 1996, relating to emergency services, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

Senator Johnson moved that **SS** for **HB 809** be adopted.

Senator Johnson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 809, Page 40, Section 190.205, Lines 22-23, by striking the following: "or retrospectively deny payment".

Senator Johnson moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SS** for **HB 809** is out of order in that the substitute goes beyond the scope and purpose of the original bill.

The point of order was referred to the President Pro Tem, who ruled it well taken.

HB 809 was again taken up.

Senator Johnson offered **SS No. 2** for **HB 809**, entitled:

SENATE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 809

An Act to repeal section 190.145 as enacted by the second regular session of the eighty-eighth general assembly in senate bill no. 530 and delivered to the governor on April 22, 1996, relating to ambulance operators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Senator Johnson moved that **SS No. 2** for **HB 809** be adopted.

Senator Banks offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for House Bill No. 809, Page 3, Section 190.145, Line 11, by inserting, immediately following said section and line, the following new section:

"1. Notwithstanding anything herein to the contrary, ground ambulance services located in a city not within a county may maintain their ambulance service areas, and nothing in this act shall authorize the limitation or other restriction of the ambulance service area of ground ambulance services located in a city not within a county."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Melton offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for House Bill No. 809, Page 2, Section 190.145, Line 16, by deleting the word "incorporates" and substituting therefor the words "consists of"; and

Further amend said section, page 3, line 5, by deleting the word "incorporates" and substituting the words "consists of".

Senator Melton moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Johnson moved that **SS No. 2** for **HB 809**, as amended, be adopted, which motion prevailed.

On motion of Senator Johnson, **SS No. 2** for **HB 809**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators

Lybyer	Maxwell--2
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Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator DePasco, on behalf of the conference committee appointed to act with a like committee from the House on **HB 905**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 905

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 905, as amended, begs leave to report that we, after free and fair discussion of the differences between the Senate and the House, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 905 and Senate Committee Amendment No. 1 and Senate Amendment No. 1 to House Bill No. 905;
2. That the Senate recede from its position on House Bill No. 905 with Senate Amendment No. 1, Senate Committee Amendment No. 1 and Senate Amendment No. 2;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ronnie DePasco /s/ Henry Rizzo

/s/ Ed Quick /s/ C. Ross

/s/ Irene Treppler /s/ Pat Kelly

/s/ Bill McKenna /s/ May Scheve

/s/ John T. Russell /s/ Charles Q. Troupe

Senator DePasco moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Flotron	Goode	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Quick	Russell
Schneider	Scott	Sims	Treppler
Westfall	Wiggins--22		

Nays--Senators

Bentley	Ehlmann	Graves	Kenney
Kinder	Klarich	Melton	Mueller
Rohrbach	Singleton--10		

Absent--Senator Staples--1

Absent with leave--Senator House--1

On motion of Senator DePasco, **CCS** for **HB 905**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 905

An Act to repeal sections 197.305 and 344.030, RSMo 1994, relating to the creation of a department of aging and the care of the elderly, and to enact in lieu thereof eight new sections relating to the same subject, with a contingent effective date for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	Howard	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Russell	Schneider	Scott

Staples Treppler Westfall Wiggins--20

Nays--Senators

Bentley Ehlmann Flotron Graves

Kenney Kinder Klarich Melton

Mueller Rohrbach Sims Singleton--12

Absent--Senator Johnson--1

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator DePasco, title to the bill was agreed to.

Senator DePasco moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HBs 800, 812, 817 and 821**, with **SCS** and **SS No. 2** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS No. 2 for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** was again taken up.

At the request of Senator Caskey, **SS No. 2** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** was withdrawn.

Senator Caskey offered **SS No. 3** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, entitled:

SENATE SUBSTITUTE NO. 3 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 800, 812, 817 & 821

An Act to repeal sections 195.017, 217.730, 317.001, 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, 367.050, 479.020, 542.276, 544.170, 546.680, 556.037, 562.021, 562.026, 569.170, 570.210, 574.085, 575.010, 575.020, 575.030, 575.090, 590.110, 595.025 and 595.045, RSMo 1994, sections 544.157, 549.525, 565.084 and 600.042, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof fifty-six new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS No. 3** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** be adopted.

President Pro Tem Mathewson resumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 76, Section 566.083, by deleting section 566.083; and further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Klarich offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Pages 24-25, Section 221.355, Lines 10-7 of said pages, by deleting said section; and further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bill No. 800, 812, 817 and 821, Page 55, Section 542.276, Line 14, by inserting immediately after the word "warrant" the following:

". If facts are provided by a person fulfilling a plea arrangement or a person convicted of a felony, additional facts shall be presented by the peace officer or prosecuting attorney seeking the warrant showing that the person has a proven record of reliability as an informant or which corroborate the facts provided by the person."

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Johnson resumed the Chair.

Senator Ehlmann offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 26, Section 317.001, Line 25, by inserting immediately after said line, the following:

"317.006. 1. The director of the department of economic development shall have general charge and supervision of all boxing, sparring, wrestling, and full-contact karate exhibitions held in the state of Missouri, and he shall have the power, and it shall be his duty:

(1) To make and publish rules governing in every particular boxing, sparring, wrestling and full-contact karate exhibitions;

(2) To accept applications for and issue licenses to contestants in boxing excepting amateur boxing, sparring, wrestling, and full-contact karate exhibitions held in the state of Missouri, and referees, judges, matchmakers, managers, promoters, seconds excepting seconds in amateur boxing, announcers, timekeepers and physicians involved in boxing, sparring, wrestling, and full-contact karate exhibitions held in the state of Missouri, as authorized herein. Such licenses shall be issued in accordance with rules duly adopted by the department;

(3) To accept application for and issue licenses to any bona fide patriotic, benevolent, fraternal or religious

organization, or local unit thereof, desiring to promote or sponsor boxing, sparring, wrestling, and full-contact karate exhibitions, which has been in existence and has held meetings at regular intervals during the year immediately preceding the granting of the license, and to revoke the same at his pleasure. Such applications shall designate the city or unincorporated area in which the organization or local unit thereof intends to operate, and the license granted shall entitle such organization, or local unit thereof, to conduct such boxing, sparring, wrestling, and full-contact karate exhibitions in that city or unincorporated area, and no other;

(4) To charge fees to be determined by the director and established by rule for every license issued and to assess a tax of five percent of the gross receipts of any person, organization, corporation or association holding a license or permit under sections 317.001 to 317.021, derived from admission charges connected with or as an incident to the holding of any boxing, sparring, wrestling, or full-contact karate exhibition in this state; provided, however, that no patriotic, benevolent, fraternal, educational, or religious organization which conducts an amateur boxing match, where the contestants do not receive a monetary consideration for their services, shall be required to pay any percentage of the gross receipts from any source connected with or incident to the holding of said amateur boxing match. Such funds shall be paid to the division of taxation and collection in the department of revenue which shall pay said funds into the state treasury to be set apart into a fund to be known as the "athletic fund";

(5) To assess a tax of one percent of the gross receipts of any person, organization, corporation or association holding a license or permit under sections 317.001 to 317.021, derived from the sale, lease or other exploitation of broadcasting, television, closed-circuit telecast, and motion picture rights for any boxing, sparring, wrestling, or full-contact karate exhibition in this state; provided, however, that no patriotic, benevolent, fraternal, educational, or religious organization which conducts an amateur boxing match, where the contestants do not receive a monetary consideration for their services, shall be required to pay any percentage of the gross receipts from any source connected with or incident to the holding of the amateur boxing match. Such funds shall be paid to the division of taxation and collection in the department of revenue which shall pay said funds into the state treasury to be set apart into a fund to be known as the "athletic fund".

(6) To assess a tax of twenty-five percent of the gross receipts of any person, organization, corporation, partnership, limited liability company or association derived from the sale, lease or other exploitation of any broadcasting, television, closed-circuit telecast, pay-per-view and motion picture rights for any combative fighting contest. Such funds shall be paid to the department of economic development, the division of professional registration, which shall pay said funds into the state treasury to be set apart into the "athletic fund";

(7) Each cable television system operator whose pay-per-view facilities are utilized to telecast a combative fighting contest shall, within thirty calendar days following the date of the telecast, file a report with the department of economic development, division of professional registration and office of athletics, stating the number of orders sold and the price per order.

2. All fees established pursuant to sections 317.001 to 317.021 shall be determined by the director by rule in such amount as to produce sufficient revenue to fund the necessary expenses and operating costs incurred in the administration of the provisions of sections 317.001 to 317.021. All expenses shall be paid as otherwise provided by law."; and

Further amend the title and enacting clause accordingly.

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 103, Section 5, Line 24 of said page, by inserting immediately after said line the following:

"Section 5. No law enforcement officer, other than an elected sheriff, an elected chief of police, or an elected marshal, who possesses the duty and power of arrest for violations of the criminal laws of this state or for violations of ordinances of counties or municipalities of this state under section 590, RSMo, shall be dismissed, demoted, or suspended by a law enforcement agency without just cause."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion failed.

Senator Scott offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 86, Section 577.120, Line 2, by inserting after all of said line the following:

"578.005. As used in sections 578.005 to [578.023] **578.050**, the following terms shall mean:

(1) "Adequate care", normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal;

(2) "Adequate control", to reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property;

(3) "Animal", every living vertebrate except a human being;

(4) **"Animal baiting", to provoke or harass an animal with an implement of one or more animals, for the purpose of training an animal for, or to cause an animal to engage in fights with or among other animals or a person, including wrestling;**

(5) "Animal shelter", a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals;

(6) **"Exhibition or event", an assemblage which is conducted for the purpose of fighting or wrestling animals as the primary or secondary purpose;**

[(5)] (7) "Farm animal", an animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber;

[(6)] (8) "Harbor", to feed or shelter an animal at the same location for three or more consecutive days;

[(7)] (9) "Humane killing", the destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173: 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed;

[(8)] (10) "Owner", in addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal;

[(9)] (11) "Person", any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

[(10)] (12) "Pests", birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri[.];

(13) "Spectator", one who is present and watches, as an onlooker, at an exhibition or event;

(14) "Surgical alteration", the cutting of combs, removing teeth, removing claws, severing muscle or tendons for the purpose of making an animal more suitable for fighting, wrestling or as bait.

578.030. 1. **Notwithstanding** the provisions of section 43.200, RSMo, [notwithstanding,] any member of the state highway patrol or other law enforcement officer may apply for and serve a warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050.

2. Any member of the state highway patrol or other law enforcement officer making an arrest [under section] **pursuant to sections 578.025 to 578.050** shall lawfully take possession of all dogs, **fowls, birds** or other animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of [section] **sections 578.025 to 578.050**. Such officer, after taking possession of such dogs, animals, **fowls, birds**, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an **evidentiary affidavit and the officer's affidavit**, stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of [section] **sections 578.025 to 578.050**. He shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by him until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. **Impounded animals will be handled as directed in sections 578.016 to 578.018**. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property [so held in custody] **as remains** to the owner thereof.

578.050. 1. A person is guilty of the crime of animal fighting if such person:

(1) Owns, possesses, keeps, trains or surgically alters any animal, fowl or bird, with the intent that such animal, fowl or bird shall be engaged in an exhibition of fighting or wrestling with another animal, fowl, bird or person. Such surgical alteration shall be considered prima facie evidence of the owner's intent to commit the crime of animal fighting or wrestling;

(2) For amusement or gain, causes any animal, fowl or bird to fight with another animal, fowl or bird or to be used for animal baiting with another animal, fowl or bird; or

(3) Knowingly permits or promotes any event or exhibition as described in subdivision (1) or (2) of this subsection to be done on any premises under his ownership, charge or control, or aids or abets any such act.

2. Animal fighting is a class D felony.

3. Any person who is intentionally or knowingly present as a spectator at any place, building or structure where preparations are being made for an event in violation of subdivision (1) or (2) of subsection 1 of this section or where an event is taking place in violation of such subdivisions is guilty of a class A misdemeanor.

[578.050. Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him or under his control to be so kept or used, shall, on conviction thereof, be guilty of a class A misdemeanor.]; and

Further amend said substitute, in the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted, which motion failed.

Senator Moseley offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bill No. 800, 812, 817, and 821, Page 83, Section 575.030, Line 12, by inserting immediately after the word "course" the following: "**and as a part**"; and further on line 15, by inserting after the word "felony" the following: "**under subdivision (1) of subsection 1 of this section**".

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 & 821, Page 76, Section 566.083, Line 15 of said page, by inserting immediately before said line the following:

"566.067. 1. A person commits the crime of child molestation [in the first degree] if he subjects another person who is less than [twelve] **fourteen** years of age to sexual contact.

2. Child molestation [in the first degree] is a class C felony unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class B felony.

[566.068. 1. A person commits the crime of child molestation in the second degree if he subjects another person who is twelve or thirteen years of age to sexual contact.

2. Child molestation in the second degree is a class A misdemeanor unless the actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class D felony.]; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 3 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, page 101, Section 600.042, Lines 14-24, by deleting subsection 6 on said lines and inserting in lieu thereof the following:

"6. Where the office of the Public Defender is appointed to represent a prisoner under a sentence of death in a proceeding under Supreme Court Rules 29.15 or 24.035, the Director shall designate or the Court appoint two counsel satisfying the following qualifications;

- (1) Are members of the bar admitted to practice in the jurisdiction or admitted to practice pro hac vice; and
- (2) Are experienced and active trial practitioners with at least three years litigation experience in the field of criminal defense; and
- (3) Have prior experience as counsel in no fewer than five jury or bench trials of class A or B felonies which were tried to completion, as well as prior experience as postconviction counsel in at least three cases in state or federal court. In addition, of the five jury or bench trials which were tried to completion, the attorney should have been counsel in at least three cases in which the charge was murder or aggravated murder; or alternatively, of the five trials, at least one was a murder or aggravated murder trial and an additional three were felony jury trials; and
- (4) Are familiar with the practice and procedure of the appropriate courts of the jurisdiction; and
- (5) Have attended and successfully completed, within one year prior to their appointment, a training or educational program on criminal advocacy which focused on the postconviction phase of a criminal case, or alternatively, a program which focused on the trial of cases in which the death penalty is sought; and
- (6) Have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to capital cases.

The provisions of this section shall apply only to capital postconviction cases filed in the circuit courts of this state on or after August 28, 1996."

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Caskey, **HCS** for **HBs 800, 812, 817 and 821**, with **SCS** and **SS No. 3** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **HBs 1159, 842 and 799**, as amended: Representatives Scheve, Bray, Barry, Kauffman, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, as amended: Representatives Tate, Wiggins, Leake, Legan, Whiteside.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HB 979**, as amended: Representatives Crump, Hoppe, Ward, Cooper, Marshall (133).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SCS** for **HS** for **HB 1368**, as amended: Representatives May (108), O'Neill, Harlan, Oetting, Pryor.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SB 888**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences for the purpose of adding an emergency clause.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House recedes from its position on **HA 1** to **SB 589** and has taken up and passed **SB 589**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 757**, entitled:

An Act to repeal sections 386.025, 393.295, 393.705, 393.710, 393.715, 393.725, 393.730, 393.760 and 393.770, RSMo 1994, relating to joint municipal utility commissions, and to enact in lieu thereof thirteen new sections relating to the same subject, with a contingent effective date, for certain sections.

With House Amendments Nos. 1, 2 and 3; House Amendment No. 1 to Part I for House Amendment No. 4; and Part I to House Amendment No. 4, as amended.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 757, Page 29, by inserting after all of said page the following:

"355.331. 1. The articles or bylaws [must] **shall** specify the terms of directors. Except for designated or appointed directors, the terms of directors may not exceed [five] **six** years. In the absence of any term specified in the articles or bylaws, the term of each director shall be one year. Directors may be elected for successive terms.

2. A decrease in the number of directors or term of office does not shorten an incumbent director's term.

3. Except as provided in the articles or bylaws:

(1) The term of a director filling a vacancy in the office of a director elected by members expires at the next election of directors by members; and

(2) The term of a director filling any other vacancy expires at the end of the unexpired term which such director is filling.

4. Despite the expiration of a director's term, the director continues to serve until the director's successor is elected, designated or appointed and qualifies, or until there is a decrease in the number of directors."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 2

Amend House Substitute for Senate Bill 757, Section 2, Page 24, Lines 3 through 22, by deleting all of said lines; and

Further amend said bill, Section 2, Page 25, Lines 1 through 22, by deleting all of said lines; and

Further amend said bill, Section 2, Page 26, Lines 1 through 8, by deleting all of said lines; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 757, Page 21, Section 393.770, Line 17, by deleting the words "**to obtain**" on said line.

HOUSE AMENDMENT NO. 1 TO

PART I OF HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4, House Substitute for Senate Bill No. 757, Page 1, Section 1, Line 1, by deleting the word "includes" and insert in lieu of the following: "shall include".

PART I TO

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 757, Pages 27 and 28, Line 2, by adding after the word "classification" and inserting the words "which includes first class chartered counties".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 526**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SS** for **SB 981**, entitled:

An Act to repeal section 144.748, RSMo 1994, relating to use tax, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Substitute for Senate Bill No. 981, Page 9, Section 144.757, Line 7, by inserting after the number "**16**" the following: ",1996".

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SS** for **SCS** for **SBs 723** and **891**, entitled:

An Act to repeal sections 77.140, 99.430, and 535.185, RSMo 1994, and sections 50.333, 67.400, 67.455, 67.457, 67.459 and 67.461, RSMo Supp. 1995, relating to certain political subdivisions, and to enact in lieu thereof twelve new

sections relating to the same subject, with an expiration date for certain provisions and with penalty provisions.

With House Amendments Nos. 1, 2, 3 and 4; House Amendment No. 1 to House Amendment No. 5; House Amendment No. 5, as amended; House Amendment No. 1 to House Amendment No. 7; House Amendment No. 7, as amended; House Amendment No. 1 to House Amendment No. 8; House Amendment No. 8, as amended; and House Amendments Nos. 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 2, Section 50.333, Line 42, by deleting the opening bracket "["; and

Further amend said bill, Page 3, Section 50.333, Line 60, by deleting "7.] For the year [1989] **1997**" and inserting in lieu thereof the following: "7. For the year [1989] **1996**"; and

Further amend said bill, Page 3, Section 50.333, Line 80, by deleting the opening bracket "["; and

Further amend said bill, Page 3, Section 50.333, Line 81, by deleting "]" **increase**"; and

Further amend said bill, Page 3, Section 50.333, Line 82, by deleting the number "7" and inserting in lieu thereof the number "8"; and

Further amend said bill, Page 4, Section 50.333, Line 83, by deleting "[maximum allowable compensation] **salary schedule**"; and inserting in lieu thereof the following: "maximum allowable compensation"; and

Further amend said bill, Page 4, Section 50.333, Line 97, by deleting the number "8." and inserting in lieu thereof the following: "[8.] **9.**"; and

Further amend said bill, Page 4, Section 50.333, Line 118, by deleting all of said line and inserting in lieu thereof the following: "[9. For the meeting in 1989 and every meeting thereafter,] **10.** In the event a salary"; and

Further amend said bill, Page 5, Section 50.333, Line 125, by deleting "10. [" and inserting in lieu thereof the following: "[10.] **11.**"; and

Further amend said bill, Page 5, Section 50.333, Line 134, by deleting "11.]" and inserting in lieu thereof the following: "[11.] **12.**"; and

Further amend said bill, Page 5, Section 50.333, Line 142, by deleting "[12." and inserting in lieu thereof the following: "[12.] **13.**"; and

Further amend said bill, Page 5, Section 50.333, Line 151, by deleting the closing bracket "];" and

Further amend said bill, Page 5, Section 50.333, Line 152, by deleting the number "**11.**" and inserting in lieu thereof the number "**14.**".

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 1, In the Title, Line 2, by inserting after the number "99.430," the number "575.130"; and

Further amend said bill, Page 1, In the Title, Line 4, by deleting the word "twelve" and inserting in lieu thereof the word "twenty"; and

Further amend said bill, Page 1, In the Title, Line 5, by inserting immediately after the words "penalty provisions" the following: "and an emergency clause for certain sections"; and

Further amend said bill, Page 14, Section 3, Line 3, by inserting after all of said line the following:

"Section B. Section 575.130, RSMo 1994, is repealed and eight new sections enacted in lieu thereof, to be known as sections 575.130, 4, 5, 6, 7, 8, 9 and 10, to read as follows:

575.130. 1. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:

(1) A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or

(2) Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.

2. This section shall not apply to a subpoena properly issued by a notary public.

3. Simulating legal process is a class B misdemeanor.

4. No person shall file a nonconsensual common law lien as defined in section 4 of this act.

5. A violation of subsection 4 of this section is a class B misdemeanor.

6. Subsection 4 of this section shall not apply to a filing officer as defined in section 4 of this act that is acting in the scope of employment.

Section 4. 1. For the purposes of sections 4 to 10 of this act:

(1) "Court" is the United States Supreme Court, Federal Courts of Appeal, Federal District Courts, Federal Magistrates, Federal Administrative Courts, Missouri supreme court, Missouri courts of appeal, Missouri circuit courts, and Missouri associate circuit courts but shall not include municipal courts;

(2) "Filing officer" is the secretary of state, the recorder of deeds of any county, the circuit clerk of any county or any public official or authorized employee required by law to accept for filing and keep as a public record any lien, deed, instrument, judgment or other document, whether in paper, electronic or other form, required to be filed or recorded under the laws of this state;

(3) "Nonconsensual common law lien" is a document that purports to assert a lien against the assets, real or personal, of any person and that, regardless of any self-description:

(a) Is not expressly provided for by a specific state or federal statute;

(b) Does not depend upon the consent of the owner of the property affected or the existence of a contract for its existence; and

(c) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

2. Nothing in sections 4 to 10 of this act shall be construed to create a lien or interest in property not otherwise existing under state or federal law.

3. Nothing in sections 4 to 10 of this act shall be construed to permit a municipal court to create a lien or interest in property not otherwise existing under state or federal law.

Section 5. 1. Any filing officer may reject for filing or recording any nonconsensual common law lien. This section shall not be construed to permit rejection of a document that is shown to be authorized by contract, lease or statute or imposed by a state or federal court of competent jurisdiction or filed by a licensed attorney, a financial institution including, but not limited to, any commercial bank, savings and loan association or credit

union or a Missouri state licensed mortgage company or mortgage broker.

2. If a nonconsensual common law lien has been accepted for filing, the filing officer shall accept for filing a sworn notice of invalid lien on a form provided by the filing officer signed and submitted by the person against whom such lien was filed or such person's attorney. The form shall be captioned "Notice of Invalid Lien" and shall state the name and address of the person on whose behalf such notice is filed, the name and address of the lien claimant and a clear reference to the document or documents the person believes constitute a nonconsensual common law lien. A copy of the notice of invalid lien shall be mailed by the filing officer to the lien claimant at the lien claimant's last known address within one business day. No filing officer, county or the state shall be liable for the acceptance for filing of a nonconsensual common law lien, nor for the acceptance for filing of a sworn notice of invalid lien pursuant to this subsection.

Section 6. Any person who attempts to file a lien against real or personal property that is rejected pursuant to subsection 1 of section 5 of this act may petition the circuit court of the county of the filing officer that rejected such lien for an order, which may be granted ex parte, directing the filing officer to file or record the lien pending a hearing on whether the lien constitutes a nonconsensual common law lien. The lien claimant shall appear before the court as the petitioner within ten business days following the date of service of the petition and order on the filing officer, and show cause, if any, why the lien should not be declared void and other relief provided for by section 5 of this act should not be granted. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or the petitioner's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Section 7. Any person who has real or personal property or an interest therein, which is subject to a recorded nonconsensual common law lien who believes such lien is invalid may petition the circuit court of the county in which the lien has been recorded or filed for an order, which may be granted ex parte, directing the lien claimant to appear before the court within ten business days following the date of service of the petition and order on the lien claimant, and show cause, if any, why the claim of lien should not be declared void and other relief provided for by section 8 of this act should not be granted. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or the petitioner's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Section 8. 1. Any order rendered pursuant to section 3 or 4 of this act shall clearly state that if the lien claimant fails to appear at the time and place noted, the claim of lien shall be declared void ab initio and released and that the lien claimant shall be ordered to pay the costs incurred by any other party to the proceeding, including reasonable attorney's fees.

2. If, following a hearing on the matter, the court determines that the document at issue is a nonconsensual common law lien, the court shall issue an order declaring the lien void ab initio, releasing the lien and awarding costs and reasonable attorney's fees to the prevailing party.

3. If the court determines that the claim of lien is valid, the court shall issue an order so stating and may award costs and reasonable attorney's fees to the prevailing party.

4. A certified copy of any order rendered pursuant to this section shall be filed by the circuit clerk in the office of the appropriate filing officer.

Section 9. Filing officers and any employees thereof, acting in the scope of employment, shall not be liable for damages pursuant to sections 4 to 8 of this act and, except as otherwise provided by law, shall not be required to defend decisions to accept or reject any documents.

Section 10. Any person who records or files in the office of a filing officer:

(1) Any document purporting to create a nonconsensual common law lien against real or personal property;
or

(2) A notice of invalid lien pursuant to subsection 2 of section 5 of this act with respect to a valid lien and which the filer knew to be false at the time of filing;

shall be liable to the damaged party for actual damages or five thousand dollars, whichever is greater plus costs and reasonable attorney's fees.

Section C. Because immediate action is necessary to prevent injustice, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 13, Section 99.430, Line 104, by inserting after said line the following:

"441.005. Except as otherwise provided, when used in chapter 534, RSMo, chapter 535, RSMo, or this chapter, the following terms mean:

(1) "Lease", a written or oral agreement for the use or possession of premises;

(2) "Lessee", any person who is a party to a lease, and any person on the premises with the lessee's permission;

(3) "Premises", land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. "Premises" include structures, fixed or mobile, temporary or permanent, vessels, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage;

(4) "Rent", all charges or expenses other than damage assessments and attorney's fees, regardless of how denominated or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set forth in the lease. Any charges and expenses provided under this definition shall be subject to any applicable limitations imposed pursuant to federal law for federally subsidized housing.

441.020. 1. Whenever any lessee of any house, apartment or building [shall suffer] permits any prohibited gaming table, bank or device to be set up or be kept or used [therein] upon the premises, for the purpose of gaming, or keeping in the same a bawdyhouse, brothel or common gaming house, or allowing the illegal possession, sale or distribution of controlled substances upon the premises, the lease or agreement for letting such house or building shall become void, and the lessor may enter on the premises so let, and shall have the same remedies for the recovery [thereof] of the premises as in the case of a tenant holding over [his] the tenant's term.

2. If a lessee is conducting any illegal activities on the premises or such person is otherwise creating a nuisance that could injure persons or damage property, in addition to any remedy provided in subsection 1 of this section, a lessor may request, and the court may issue an ex parte temporary restraining order, without further hearing, with due notice to the lessee that the lessee is to vacate the premises within twenty-four hours of receiving such notice. The lessor shall in such injunctive action post a bond which shall be three times the amount of the monthly rent. The lessor shall submit to the court with the request for the temporary restraining order an affidavit stating the reasons that such action is necessary and the affidavit shall be supported by clear and convincing evidence that a lessee or any person on the premises with the lessee's permission is conducting illegal activities on the premises or such person is otherwise creating a nuisance that could injure persons or damage property. The judge shall hold a hearing within ten days after the issuance of the temporary restraining order. The court may suspend execution of the order and allow a lessee to remain on the premises pending the hearing if the lessee posts a bond in an amount equal to one month's rent. Upon a finding for the lessee, the court may

award the lessee all or part of the bond posted by the lessor. The receipt of such an award shall not preclude the lessee from pursuing any other damages which may be sought according to law."

HOUSE AMENDMENT NO. 4

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 10, Section 67.461, Line 22, by inserting immediately after all of said line the following:

"67.1000. The governing body of any second class county which is north of the Missouri River and which adjoins a county with a population of more than one hundred thousand inhabitants which contains a campus of the University of Missouri or the governing body of any county with a township form of government with a population of less than nine thousand inhabitants which adjoins at least six other counties with a township form of government or the governing body of any county with a township form of government which adjoins at least four other counties with a township form of government and at least one, but not more than one, third class county without a township form of government with a population of less than three thousand inhabitants or the governing body of any county which contains a state educational institution described as a state teachers college, as defined in paragraph (c) of subdivision (5) of section 176.010, RSMo, other than a county which adjoins the Mississippi River or a county with a population of more than one hundred fifty thousand inhabitants, or any city which is the county seat of any third class county which borders the state of Arkansas and contains a branch of Southwest Missouri State University, may impose a tax on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in the city or county, which shall be [more than two percent but] not more than five percent per occupied room per night, except that such tax shall not become effective unless the governing body of the city or county submits to the voters of the city or county at a state general, primary or special election, a proposal to authorize the governing body of the city or county to impose a tax under the provisions of this section and section 67.1002. The tax authorized by this section and section 67.1002 shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law and the proceeds of such tax shall be used by the city or county solely for funding a convention and visitors bureau which shall be a general not for profit organization with whom the city or county has contracted, and which is established for the purpose of promoting the city or county as a convention, visitor and tourist center. Such tax shall be stated separately from all other charges and taxes."; and

Further amend said bill in the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 5

Amend House Amendment No. 5, to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Line 3 of said amendment, by inserting immediately after the word "**classification**" on said line the following:

", and any county of the first classification without a charter form of government having a population of at least 150,000 inhabitants containing a portion of a city with a population of at least 350,000 inhabitants".

HOUSE AMENDMENT NO. 5

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Section 67.455, Subsection 1, Page 6, Line 16, by inserting immediately after said line the following:

"2. In addition to the methods of authority for bonded indebtedness as described in subsection 1 of this section, the governing body of any first class county bordered by two counties of the second classification may submit pursuant to the provisions of sections 108.010 to 108.110, RSMo, the question of authorizing issuance of general obligation bonds which may be used to finance any improvement as defined in section 67.453, RSMo."; and

Further amend said bill, section 67.455, page 6, line 17, by deleting the figure "**2.**" found on said line and inserting in

lieu thereof the figure "3."

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 1, Section 64.725, Line 4, of said amendment by inserting after the words "of the county" the following:

", or planning and zoning districts within a county,".

HOUSE AMENDMENT NO. 7

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 6, Section 51.333, Line 160, by inserting immediately after said line the following:

"64.725. 1. As an alternative to the procedures in sections 64.510 to 64.550, the county commission of any county of the **first**, second, third or fourth classification may create a temporary county planning commission prior to an election to adopt county planning and zoning. Such planning commission shall prepare a county plan for all areas of the county, whether such areas are incorporated or unincorporated, outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of this state.

2. The temporary county planning commission appointed pursuant to subsection 1 of this section shall consist of the county highway engineer, and one resident from each township of the county appointed by the county commission, from the unincorporated area of the county. The members of such planning commission shall serve until a planning commission is elected by the voters of the county, pursuant to subsection 6 of this section. All members of such temporary planning commission shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. Such planning commission shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The county highway engineer shall be an ex officio member of such planning commission.

3. The temporary planning commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations. The commission may appoint such employees as it deems necessary for its work, and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses. The commission shall have power to make, adopt and publish a proposal for a master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The master plan shall be developed so as to conserve the natural resources of the county, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar, and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources. Before the adoption of the plan, the commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time. The adoption of the plan shall be by resolution carried by not less than a majority vote of the full membership of the temporary county planning commission.

4. After the temporary county planning commission has adopted a proposed plan for county planning and zoning in the county, the county commission shall submit to the voters of the county the question of whether the county should adopt county planning and zoning as provided in the proposed plan. Such plan shall be available to the voters at least twenty days prior to the election. A notice stating the place or places and times for examining the plan shall be posted in one or more public areas of the courthouse of the county, and such notice shall be published in at least one newspaper of general circulation in the county at least once a week for three consecutive weeks, the last publication to be twenty days prior to the election.

5. The question for the adoption of county planning and zoning shall be submitted in substantially the following form:

Shall county planning and zoning as proposed by the county planning commission be adopted?

☐ YES ☐ NO

6. If a majority of the votes cast on the question of whether the county should adopt county planning and zoning as provided in the proposed plan are in favor of adopting the plan, then an attested copy of the official master plan shall be certified to the county commission, to the recorder of deeds, and to the clerk of each incorporated area covered by the plan or part thereof. At the next countywide election, the voters in each township of the unincorporated area of the county shall elect one member from each township to be a member of the county planning commission, and the county commission shall by order entered of record have the newly elected members of the county planning commission proceed with a program of county planning and zoning. The plan shall be effective immediately following the election of the county planning commission. If a majority of the votes cast on the question of whether the county should adopt county planning and zoning as provided in the proposed plan are in opposition to adopting the plan, then it shall be at the discretion of the county commission whether to retain or dissolve the temporary county planning commission established pursuant to subsection 1 of this section.

7. The terms of the elected members of the county planning commission shall be four years or until the member's successor takes office; except that, the terms shall be overlapping and one-half of the members first elected, or if an uneven number one-half plus one, shall be elected for two-year terms and the remaining members shall be elected for four-year terms. The county highway engineer shall be an ex officio member of the county planning commission. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position. All members of the county planning commission shall serve as such without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. The planning commission shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The commission shall have all powers granted a county planning commission appointed pursuant to sections 64.510 to 64.695.

8. If the county commission does not appoint a temporary county planning commission as provided in subsection 1 of this section, the voters of the county may submit a petition, signed by five percent of the number of voters in the county voting at the last gubernatorial election, calling for the appointment of a temporary county planning commission. Upon receipt of such a petition, the county commission shall appoint a temporary county planning commission as provided in subsection 1 of this section."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1 TO

HOUSE AMENDMENT NO. 8

Amend House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 1, Section 473.739, Line 3, by deleting the words "Forty-five" and removing the brackets from "Twenty-five".

HOUSE AMENDMENT NO. 8

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 2, Section 50.333, Line 22, by deleting the words "in counties of the first classification" on said line; and

Further amend said bill, section 99.430, page 13, line 104, by inserting immediately after said line the following:

"473.739. 1. Each public administrator, except in counties of the first class with a charter form of government, who does not receive at least [twenty-five] **forty-five** thousand dollars in fees as otherwise allowed by law shall receive

annual compensation of four thousand dollars and each such public administrator who does not receive at least [twenty-five] **forty-five** thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose."

HOUSE AMENDMENT NO. 9

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 14, Section 3, Line 3, by inserting immediately following said line the following section:

"Section 4. The governing body of any county may adopt and enforce a uniform personnel policy designed to secure efficient administration for all offices, positions and employees of the county."; and

Further amend said bill by amending the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 10

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891, Page 9, Section 67.459, Line 2, by inserting after the word property the following: "or property owners,".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 572**, entitled:

An Act to repeal sections 160.051 and 160.053, RSMo 1994, relating to the enrollment of pupils in public schools, and to enact in lieu thereof seven new sections relating to the same subject, with an contingent expiration date and an effective date of certain sections.

With House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 572, Page 2, Section 160.053, Lines 33 to 35, by deleting all of said lines and inserting in lieu thereof the following: "[his] **the** kindergarten year shall not be required to meet the".

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 572, Page 5, Section 5, Line 3, by inserting after all of said line the following:

"Section 6. Beginning with the 1997-98 school year and each year thereafter, no school district shall have an opening date earlier than the final day of the annual state fair established pursuant to Sections 262.215 to 262.280, RSMo."; and

Amend title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1**, **SA 1** to **SA 2**, and **SA 2**, as amended, to **HB 1098** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1419, regarding Robert King Erwin, Jr., Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1420, regarding Spencer J. Flamm, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1421, regarding Jason E. Foil, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1422, regarding Brian P. Lynch, Lee's Summit, which was adopted.

Senator Kenney offered Senate Resolution No. 1423, regarding Michael T. Ottaway, Lee's Summit, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, the Physician of the Day, Dr. Don Potts, M.D., Independence.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Wednesday, May 15, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FOURTH DAY--WEDNESDAY, MAY 15, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, You see everything we do, hear everything we say, know the motive behind our every act and know what is in our heart. Only You can judge us. Show us how to live to be deserving of Your "Well done thou good and faithful servant." Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Wiggins offered Senate Resolution No. 1424, regarding Dr. Wanda Jean Nelson, Kansas City, which was adopted.

Senator Wiggins offered Senate Resolution No. 1425, regarding Ms. Phyllis Miles- Young, Kansas City, which was adopted.

Senator Mathewson offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1426

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to purchase and deliver to each Senator postage stamps not to exceed the value of eight hundred dollars (\$800.00) and to take his or her receipt for the amount of postage stamps delivered, said stamps to be used by each Senator only for official business connected with his office, the expenses of same to be paid out of the contingent fund of the Senate.

Senator Maxwell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1427

WHEREAS, Jennifer Lunsford, a student at Northeast Missouri State University, is completing a very successful tenure of service as a Legislative Intern assigned to the office of the Honorable Joe Maxwell, State Senator from the 18th District; and

WHEREAS, during the 1996 legislative session, Jennifer Lunsford has worked effectively with constituents and legislative staff to help Senator Maxwell and his Administrative Assistant, Norma Stack, to fulfill a variety of important duties, and has been regarded by each of them as an irreplaceable assistant; and

WHEREAS, Jennifer Lunsford has demonstrated an excellent understanding of the inner workings of state government while ably assuming responsibility for attending all the Senator's meetings and keeping him updated on the issues to be discussed and voted on in these meetings; and

WHEREAS, Jennifer Lunsford has shown tremendous skill and dedication in researching various issues for the Senator, and has displayed a great interest and enthusiasm for the Senate Appropriations Process; and

WHEREAS, always the first to arrive at the office and the last to leave, Jennifer Lunsford has contributed substantially to the morale of the office by getting coffee every morning; and

WHEREAS, by choosing to participate in the Missouri State Intern Program, Jennifer Lunsford has not only gained insight into the legislative process, but has also developed a number of important skills which will be of lasting benefit in helping to realize her career goals; and

WHEREAS, it is entirely fitting and proper that this legislative body should join in paying a special tribute to this outstanding young lady, who has clearly demonstrated the qualities which will enable her to join the ranks of tomorrow's leaders;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Eighty-eighth General Assembly, hereby join unanimously with Senator Maxwell, Norma Stack, and Diane Miller in extending our warmest and most hearty congratulations to Jennifer Lunsford upon the completion of an exceptionally illustrious tenure of service with this legislative body and upon her forthcoming graduation from Northeast Missouri State University, and further extend to her our very best wishes for continued success in all her future endeavors; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Jennifer Lunsford, as a measure of our esteem and gratitude.

Senator Sims offered Senate Resolution No. 1428, regarding Dave Minnihan, Chesterfield, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, which was requested by the sponsor to consider taking **SCS** for **HS** for **HCS** for **HB 1172** out of order under the provisions of Senate Rule No. 6, begs leave to report that it has considered the request and recommends that the bill do be considered out of order.

Senator Banks moved that the committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senators--None

HOUSE BILLS ON THIRD READING

At the request of Senator Lybyer, **HS** for **HCS** for **HB 1172**, with **SCS**, was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1169** and **1271**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

PRIVILEGED MOTIONS

Senator Goode moved that **SS** for **SB 981**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SS** for **SB 981**, as amended, entitled:

HOUSE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 981

An Act to repeal section 144.748, RSMo 1994, relating to use tax, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was taken up.

Senator McKenna assumed the Chair.

Senator Goode moved that **HS** for **SS** for **SB 981**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Curls	Staples--3
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Absent with leave--Senators--None

On motion of Senator Goode, **HS** for **SS** for **SB 981**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Scott moved that the Senate refuse to recede from its position on **SA 1** and **SA 2** to **HB 1098** and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SB 560**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 560

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Bill No. 560;
2. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, as amended;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 560, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Brian May

/s/ Sam Graves /s/ Ken Legan

/s/ Mike Lybyer /s/ James O'Toole

/s/ Betty Sims /s/ Carson Ross

/s/ Danny Staples /s/ Norman Sheldon

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senator Ehlmann--1

Absent with leave--Senators--None

On motion of Senator Goode, **CCS** for **HS** for **HCS** for **SS** for **SB 560**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE BILL NO. 560

An Act to repeal sections 301.140, 301.344, 301.566, 304.001, 304.155, 304.157 and 304.575, RSMo 1994, and sections 301.010 and 306.906, RSMo Supp. 1995, relating to the sale and towing of motor vehicles, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

On motion of Senator Goode, title to the bill was agreed to.

Senator Goode moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator House moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SBs 723** and **891**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion

prevailed.

Senator Maxwell moved that the Senate refuse to concur in **HS** for **SB 757**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SR 1400**, begs leave to report that it has considered the same and recommends that the resolution do pass.

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Banks submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **HS** for **HCS** for **HBs 1199, 1357 and 1393**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1169 and 1271**, with **SCS**, introduced by Representative Williams (121), entitled:

An Act to repeal sections 43.506, 82.1000, 302.060, 302.309, 302.500, 302.505, 302.510, 302.520, 302.530, 302.535, 302.541, 311.310, 311.325, 312.407, 479.500, 577.012, 577.020, 577.021, 577.023, 577.037, and 577.039, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Caskey.

SCS for **HS** for **HCS** for **HBs 1169 and 1271**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1169 and 1271

An Act to repeal sections 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.535, 302.540, 302.541, 479.020, 479.040, 479.500, 577.001, 577.012, 577.020, 577.021, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof thirty-two new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **SCS** for **HS** for **HCS** for **HBs 1169 and 1271** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, Page 12, Section 302.302, Line 41, by inserting immediately after the word "**offenses**" the following: "**however combined**"; and

Further amend said bill, Page 18, Section 302.309, Line 13, by deleting all of said line and inserting in lieu thereof the following: "circuit judges]. **Any application may be made in writing to the court or to the director**"; and

Further amend said bill, Page 19, Section 302.309, Line 57, by deleting immediately after the word "director" the opening bracket "["; and

Further amend said bill, Page 19, Section 302.309, Line 58, by deleting the words "him whenever he" and inserting in lieu thereof the following: "[him] **the driver** whenever [he] **such driver**"; and

Further amend said bill, Page 19, Section 302.309, Line 58, by deleting the following: "operates]." and inserting in lieu thereof the following: "operates **a motor vehicle.**"; and

Further amend said bill, Page 19, Section 302.309, Line 59, by inserting immediately after the word "**revenue**" the following: "**upon granting a limited driving privilege**"; and

Further amend said bill, Page 19, Section 302.309, Lines 74 through 75, by deleting the following: "**or who meets the following criteria**"; and

Further amend said bill, Page 45, Section 610.127, Line 10, by deleting the following: "**order.**" and inserting in lieu thereof the following: "**order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in section 302.700, RSMo, with a blood alcohol content of at least four-hundredths of one percent.**"; and

Further amend said bill, Page 45, Section 610.127, Line 16, by deleting the following: "**RSMo;**" and inserting in lieu thereof the following: "**RSMo; or**"; and

Further amend said bill, Page 45, Section 610.127, Line 18, by deleting the following: "**RSMo; or**" and inserting in lieu thereof the following: "**RSMo.**"; and

Further amend said bill, Page 45, Section 610.127, Lines 19 through 21, by deleting all of said lines.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Caskey offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, Page 22, Section 302.505, Line 8, by striking the words "reasonable suspicion" and inserting in lieu thereof "**probable cause**"; and further amend said section, page 23, line 11, by striking the words "reasonable suspicion" and inserting in lieu thereof "**probable cause**"; and

Further amend said bill, page 39, section 577.039, line 9, by inserting immediately after the word "accident" the following:

"or has been removed from the scene to receive medical treatment".

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, Page 23, Section 302.505, Line 12, by inserting after the word "a" and before the word "county" "**state,**"; and

Further amend same line by striking "alcohol related".

Senator Westfall moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House - Bills Nos. 1169 and 1271, Page 7, Section 302.010, Line 99 by striking the words "court approval" and inserting in lieu thereof the following: "**judicial review**"; and

Further amend said bill, pages 16-17, section 302.304, lines 106-107, by striking the words "or the court"; and further amend page 17, line 108, by striking "Assignment recommendations," and inserting in lieu thereof the following: "**If a person objects to the assignment recommendations**"; and further amend lines 110-111, by striking all of said lines and inserting in lieu thereof the following: "**302.010**"; and further amend line 112, by striking the following: "reviewed by the court."; and further amend said line, by inserting immediately after "associate" the following: "**circuit**"; and further amend lines 113-114, by striking the following: ", on a printed form provided by the department of revenue,"; and further amend line 114, by inserting immediately after "assessment." the following: "**The motion shall name the person or entity making the needs assessment as respondent, and a copy of such motion shall be served upon the division of alcohol and drug abuse of the department of mental health and the department of revenue.**"; and further amend line 115, by inserting immediately after "shall" the following: "**hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either**"; and further amend said line, by striking the words "or reject the assignment recommendations made by" and inserting in lieu thereof the following: "**such recommendations or reject or modify such recommendations**"; and further amend line 116, by striking "the assessment in a summary manner" and inserting in lieu thereof the following: "**upon a finding that the needs assessment or assignment recommendations are inappropriate in light of the offender's previous driving record, the circumstances of the offense for which the person's license was suspended or revoked, and other evidence of substance abuse by the movant. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court**"; and further amend line 117, by inserting immediately after the words "with the" the following: "**assignment recommendations, or a**"; and further amend said line, by striking the words "of the motion" and inserting in lieu thereof the following: "**that the needs assessment or assignment recommendations are inappropriate**"; and

Further amend said bill, page 28, section 302.540, line 38, by striking the words "or the court"; and further on line 40, by striking "Assignment recommendations," and inserting in lieu thereof the following: "**If a person objects to the assignment recommendations**"; and further amend line 41, by striking the following: "shall be delivered in"; and further amend line 42-43, by striking all of said lines and inserting in lieu thereof the following: "**the**"; and further amend line 44, by inserting immediately after "associate" the following: "**circuit**"; and further on line 44, by striking the comma "," at the end of said line; and further amend line 45, by striking the following: "on a printed form provided by the department of revenue,"; and further amend line 46, by inserting immediately after "assessment." the following: "**The motion shall name the person or entity making the needs assessment as respondent, and a copy of such motion shall be served upon the division of alcohol and drug abuse of the department of mental health and the department of revenue.**"; and further amend line 46, by inserting immediately after "shall" the following: "**hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either**"; and further amend said line, by striking the words "or reject the" and inserting in lieu thereof the following: "**such recommendations or reject or modify such recommendations**"; and further amend line 47, by striking all of said line; and

Further amend said bill and section, page 29, line 48, by striking "manner" inserting in lieu thereof the following: "**upon a finding that the needs assessment or assignment recommendations are inappropriate in light of the offender's previous driving record, the circumstances of the offense for which the person's license was suspended or revoked, and other evidence of substance abuse by the movant. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court**"; and further amend said line, by inserting immediately after the words "with the" the following: "**assignment recommendations, or**

a"; and further amend line 49, by striking the words "of the motion" and inserting in lieu thereof the following: **"that the needs assessment or assignment recommendations are inappropriate,"**; and

Further amend said bill, page 36, section 577.001, lines 21-22, by striking the words "court approval" and inserting in lieu thereof the following: **"judicial review"**; and

Further amend said bill, page 41, section 577.041, line 70, by striking the words "or the court"; and further amend line 72, by striking "Assignment recommendations," and inserting in lieu thereof the following: **"If a person objects to the assignment recommendations"**; and further amend lines 74-75, by striking all of said lines and inserting in lieu thereof the following: **"RSMo,"**; and further amend line 76, by striking the following: "reviewed by the court."; and further amend said line, by inserting immediately after "associate" the following: **"circuit"**; and further amend lines 77-78, by striking the following: ", on a printed form provided by the department of revenue,"; and further amend line 78, by inserting immediately after "assessment." the following: **"The motion shall name the person or entity making the needs assessment as respondent, and a copy of such motion shall be served upon the division of alcohol and drug abuse of the department of mental health and the department of revenue."**; and further amend line 79, by inserting immediately after "shall" the following: **"hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either"**; and further amend said line, by striking the words "or reject the assignment recommendations made by" and inserting in lieu thereof the following: **"such recommendations or reject or modify such recommendations"**; and further amend line 80, by striking "the assessment in a summary manner" and inserting in lieu thereof the following: **"upon a finding that the needs assessment or assignment recommendations are inappropriate in light of the offender's previous driving record, the circumstances of the offense for which the person's license was suspended or revoked, and other evidence of substance abuse by the movant. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court"**; and further amend line 81, by inserting immediately after the words "with the" the following: **"assignment recommendations, or a"**; and further amend said line, by inserting immediately after "determination" the following: **"that the needs assessment or assignment recommendations are inappropriate,"**.

Senator Moseley moved that the above amendment be adopted.

Senator Melton offered SSA 1 for SA 4:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, Page 7, Section 302.010, Line 99, by striking the words "court approval" and inserting in lieu thereof the following: **"judicial review"**; and

Further amend page 17, line 108, by striking "Assignment recommendations," and inserting in lieu thereof the following: **"If a person objects to the assignment recommendations"**; and further amend lines 110-111, by striking all of said lines and inserting in lieu thereof the following: **"302.010,"**; and further amend said line, by inserting immediately after "associate" the following: **"circuit"**; and further amend line 115, by inserting immediately after "shall" the following: **"hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either"**; and further amend said line, by striking the words "or reject the assignment recommendations" and inserting in lieu thereof the following: **"such recommendations or reject or modify such recommendations"**; and further amend line 117, by inserting immediately after the words "with the" the following: **"assignment recommendations, or a"**; and further on line 40, by striking "Assignment recommendations," and inserting in lieu thereof the following: **"If a person objects to the assignment recommendations"**; and further amend line 41, by striking the following: "shall be delivered in"; and further amend line 42-43, by striking all of said lines and inserting in lieu thereof the following: **"the"**; and further amend line 44, by inserting immediately after "associate" the following: **"circuit"**; and further on line 44, by striking the comma ", " at the end of said line; and further amend line 46, by inserting immediately after "shall" the following: **"hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either"**; and further amend said line, by inserting immediately after the words "with the" the following: **"assignment recommendations, or a"**; and further amend line 72, by striking "Assignment

recommendations," and inserting in lieu thereof the following: "**If a person objects to the assignment recommendations**"; and further amend said line, by inserting immediately after "associate" the following: "**circuit**"; and further amend line 79, by inserting immediately after "shall" the following: "**hear and determine such motion pursuant to the provisions of chapter 517, RSMo, and shall either**".

Senator Melton moved that the above substitute amendment be adopted.

President Wilson assumed the Chair.

At the request of Senator Caskey, **HS** for **HCS** for **HBs 1169** and **1271**, with **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jeffrey S. Jamieson and Wayman F. Smith, as members of the St. Louis City Board of Police Commissioners;

Also,

Sharon M. Busch, as a member of the Administrative Hearing Commission.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Senator Scott moved that the committee report be adopted and the Senate do give its advice and consent to the appointment of Jeffrey S. Jamieson.

Senator Banks offered a substitute motion that the vote to adopt the committee reports on Jeffrey S. Jamieson and Wayman F. Smith be postponed until 2:00 p.m., Thursday, May 16, 1996.

Senator Scott requested a division of the substitute motion, asking that the two appointments be dealt with on separate votes, which request was granted.

At the request of Senator Banks, his substitute motion was withdrawn.

At the request of Senator Scott, his motion for the adoption of the committee report on Jeffrey S. Jamieson, was withdrawn.

Senator Mathewson requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Mathewson moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the Conference Committee Report on **HCS** for **HB 991** and requests further conference on **HCS** for **HB 991**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 979** and has taken up and passed **HB 979** as amended by the Conference Committee Report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HBs 1159, 842 and 799** and has taken up and passed **HCS** for **HBs 1159, 842 and 799** as amended by the Conference Committee Report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SB 560** and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SB 560**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SBs 723 and 891**, as amended, and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **SB 757**, as amended, and grants the Senate a conference thereon.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **SB 757**, as amended: Senators Maxwell, Howard, Lybyer, Westfall and Russell.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SBs 723 and 891**, as amended: Senators House, Johnson, Caskey, Rohrbach and Sims.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SB 888**, as amended: Senators Goode, Lybyer, Mathewson, Russell and Mueller.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HB 1098**, as amended: Senators Scott, Wiggins, Lybyer, Flotron and Treppler.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate grant the House a further conference on **HCS** for **HB 991**, as amended, which motion prevailed.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 1429, regarding the Fortieth Birthday of Dr. Paul C. Freiman, Springfield, which was adopted.

Senator Schneider offered Senate Resolution No. 1430, regarding Mr. S.D. (Dean) Dick, which was adopted.

Senator Ehlmann offered Senate Resolution No. 1431, regarding Jeremy C. Iwaszkowicz, which was adopted.

Senator Quick offered Senate Resolution No. 1432, regarding Benje M. Douglas, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1433, regarding Jeremy R. Dowden, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1434, regarding Adam Cole, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1435, regarding Aaron K. German, Kansas City, which was adopted.

On motion of Senator Banks, the Senate recessed for one hour.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

PRIVILEGED MOTIONS

Senator Rohrbach moved that the conferees on **HCS** for **SS** for **SCS** for **SBs 723** and **891**, as amended, be allowed to exceed the differences for the purpose of adding an emergency clause, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 991**, as amended: Senators Staples, Banks, McKenna, Sims and Westfall.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **HB 991**, as amended: Representatives Koller, Bray, Van Zandt, Ostmann, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SBs 723** and **891**, as amended: Representatives Rizzo, May (108), Smith, Broach, Edwards-Pavia.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HS** for **SB 757**, as amended: Representatives Sears, Leake, Wiggins, Summers, Howerton.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed

the following conference committee, to act with a like committee from the Senate on **HB 1098**, as amended: Representatives Goward, Lumpe, Koller, Gibbons, Elliott.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **HB 979**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 979

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 979, with Senate Committee Amendment No. 1, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Committee Amendment No. 1;
- 2. That the attached Conference Committee Amendment No. 1 be adopted; and
- 3. That House Bill No. 979 with Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ Wayne Crump (152)

/s/ Phil B. Curls, Sr. /s/ Bob Ward

/s/ Morris Westfall /s/ Bonnie Sue Cooper

/s/ Joe Maxwell /s/ Bill Marshall

/s/ David Klarich /s/ Thomas Hoppe

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Bill No. 979, Page 1, Section 140.722, Line 1, by inserting after the word "**valid**" the word "**recorded**"; and

Further amend said bill, Page 1, Section 141.202, Line 1, by inserting after the word "**valid**" the word "**recorded**".

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator House--1

On motion of Senator McKenna, **HB 979**, as amended by the Conference Committee Report was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Graves	Howard--2
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Absent with leave--Senator House--1

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HBs 1159, 842** and **799**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1159, 842 and 799

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for House Bills Nos. 1159, 842 and 799, with Senate Amendment No. 1, Senate Amendment No. 2 and Senate Amendment No. 4, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Amendment No. 2 and Senate Amendment No. 4 to House Committee Substitute for House Bills Nos. 1159, 842 and 799;

2. That the Senate recede from its position on Senate Amendment No. 1 to House Committee Substitute for House Bills Nos. 1159, 842 and 799;

3. That the attached Conference Committee Amendment No. 1 be adopted; and

4. That the House Committee Substitute for House Bills Nos. 1159, 842 and 799 with Senate Amendment No. 2, Senate Amendment No. 4 and Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ May Scheve

/s/ John E. Scott /s/ Joan Bray

/s/ Ronnie DePasco /s/ Joan Barry

/s/ Walt Mueller /s/ Sandra D. Kauffman

/s/ Irene Treppler /s/ Bonnie Sue Cooper

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bills Nos. 1159, 842 and 799, Page 2, Section 313.010, Line 12, by inserting after the word "**dollars**" the words "**per event**"; and

Further amend said bill, Page 2, Section 313.010, Line 14, by deleting all of said line and inserting in lieu thereof the following: "**occasions annually at which only pull-tab cards may be used.**"; and

Further amend said bill, Page 2, Section 313.010, Line 15, by deleting all of said line; and

Further amend said bill, Page 2, Section 313.010, Line 16, by deleting the word "**dollars.**"; and

Further amend said bill, Page 2, Section 313.010, Line 21, by deleting the following: "**subdivision (11)**" and inserting in lieu thereof the following: "**subdivisions (11) and (14)**"; and

Further amend said bill, page 4, Section 313.040, Line 37, by deleting the words "**six months**" and inserting in lieu thereof the following: "**one year**"; and

Further amend said bill, Page 8, Section 313.057, Line 56, by inserting after the word "**supplier**" the following: "**if timely filed and paid,**"; and

Further amend said bill, Page 8, Section 1, Line 5, by deleting the word "**game**" and inserting in lieu thereof the word "**occasion**".

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kinder
Klarich	Lybyer	Mathewson	McKenna
Mueller	Schneider	Scott	Sims
Singleton	Staples	Treppler	Wiggins--24

Nays--Senators

Caskey	House	Kenney	Maxwell
Rohrbach	Russell	Westfall--7	

Absent--Senators

Melton	Moseley	Quick--3
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Absent with leave--Senators--None

On motion of Senator McKenna, **HCS** for **HBs 1159, 842** and **799**, as amended by the Conference Committee Report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Curls
DePasco	Ehlmann	Flotron	Graves
Howard	Johnson	Kinder	Lybyer
Mathewson	McKenna	Moseley	Quick
Schneider	Scott	Sims	Staples
Treppler	Wiggins--22		

Nays--Senators

Caskey	Goode	House	Kenney
Klarich	Maxwell	Mueller	Rohrbach
Russell	Singleton	Westfall--11	

Absent--Senator Melton--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Moseley moved that **SB 572**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 572**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 572

An Act to repeal sections 160.051 and 160.053, RSMo 1994, relating to the enrollment of pupils in public schools, and to enact in lieu thereof seven new sections relating to the same subject, with a contingent expiration date and an effective date of certain sections.

Was taken up.

Senator Moseley moved that **HCS** for **SB 572**, as amended, be adopted.

At the request of Senator Moseley, his motion for the adoption of **HCS** for **SB 572**, as amended, was withdrawn.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, with **SCS**, introduced by Representative O'Connor, entitled:

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof twelve new sections for the purpose of requiring that abortions be performed or induced safely and establishing alternative to abortion services, with penalty provisions and an effective date.

Was taken up by Senator Wiggins.

SCS for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1320, 981, 1042, 1109

and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof eighteen new sections for the purpose of improving abortion safety and establishing alternatives to abortion services, with penalty provisions and an effective date.

Was taken up.

Senator Wiggins moved that **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** be adopted.

Senator Wiggins offered **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109
and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, relating to abortions, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an effective date.

Senator Wiggins moved that **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** be adopted.

Senator Curls offered **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109
and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, relating to abortions, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions and an effective date.

Senator Curls moved that **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** be adopted.

Senators Sims, Bentley and Treppler offered **SS** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, entitled:

SENATE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109
and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof eleven new sections for the purpose of improving abortion safety and establishing alternatives to abortion services, with penalty provisions and an effective date.

Senator Sims moved that **SS** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** be adopted.

Senator Staples assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

At the request of Senator Sims, **SS** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** was withdrawn.

Senators Sims, Bentley and Treppler offered **SS No. 2** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109
and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof eleven new sections for the purpose of improving abortion safety and establishing alternatives to abortion services, with penalty provisions and an effective date.

Senator Sims moved that **SS No. 2** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Howard, Klarich and Wiggins.

Senator Johnson assumed the Chair.

President Pro Tem Mathewson resumed the Chair.

Senator Quick assumed the Chair.

At the request of Senator Sims, **SS No. 2** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** was withdrawn.

President Pro Tem Mathewson resumed the Chair.

Senator Sims offered **SS No. 3** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, entitled:

SENATE SUBSTITUTE NO. 3 FOR
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109
and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, and to enact in lieu thereof eleven new sections for the purpose of improving abortion safety and establishing alternatives to abortion services, with penalty provisions and an effective date.

Senator Sims moved that **SS No. 3** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Howard, Klarich and Wiggins.

Senator Sims moved that **SS No. 3** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** be adopted, which motion failed by the following vote:

Yeas--Senators

Banks	Bentley	Clay	Goode
Howard	Johnson	Lybyer	Mathewson
Maxwell	Moseley	Quick	Sims

Treppler--13

Nays--Senators

Caskey	Curls	DePasco	Ehlmann
Flotron	Graves	House	Kenney
Kinder	Klarich	McKenna	Melton

Mueller Rohrbach Russell Schneider
Singleton Westfall Wiggins--19

Absent--Senator Staples--1

Absent with leave--Senator Scott--1

SS for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250** was again taken up.

Senator Schneider offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1320, 981, 1042, 1109 and 1250, Page 3, Section 188.082, Lines 8 to 14, by striking said section.

Senator Schneider moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 1**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1320, 981, 1042, 1109 and 1250, Pages 2 and 3, Sections 188.080 and 188.082, by striking all of said sections; and

Amend Section A, Page 1, line 1, by striking the words "and 188.080".

Senator Schneider moved that the above substitute amendment be adopted.

Senator Johnson resumed the Chair.

Senator McKenna resumed the Chair.

At the request of Senator Schneider, **SSA 1** for **SA 1** was withdrawn.

At the request of Senator Schneider, **SA 1** was withdrawn.

Senator Schneider offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1320, 981, 1042, 1109 and 1250, Pages 2 and 3, Section 188.080, by striking said section; and

Amend Section A, Page 1, line 1, by striking the words "and 188.080".

Senator Schneider moved that the above amendment be adopted.

Senator Moseley offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1320, 981, 1042, 1109 and 1250, Page 3, Section 188.080, Line 4, by adding after the word "abortion" on said line the following words: "in a facility which does not have a working arrangement with a hospital within fifteen minutes travel time from the facility granting the admittance of patients for emergency treatment whenever necessary, or".

Senator Moseley moved that the above substitute amendment be adopted.

At the request of Senator Moseley, **SSA 1** for **SA 2** was withdrawn.

Senator Moseley offered **SSA 2** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1320, 981, 1042, 1109 and 1250, Page 3, Section 188.080, Line 4, by adding after the word "hospital" on said line the words: "in this state or an adjoining state".

Senator Moseley moved that the above substitute amendment be adopted.

At the request of Senator Wiggins, **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS**, **SA 2** and **SSA 2** for **SA 2** (pending), was placed on the Informal Calendar.

HS for **HCS** for **HB 1172**, with **SCS**, introduced by Representative Jacob, entitled:

An Act to repeal sections 144.020 and 144.140, RSMo 1994, relating to sales taxation, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause.

Was called from the Informal Calendar and taken up by Senator Lybyer.

SCS for **HS** for **HCS** for **HB 1172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1172

An Act to repeal sections 143.124 and 143.161, RSMo 1994, relating to taxation, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Lybyer moved that **SCS** for **HS** for **HCS** for **HB 1172** be adopted.

President Pro Tem Mathewson resumed the Chair.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House - Bill No. 1172, Page 5, Section 143.161, Line 19, by inserting immediately after said line, the following:

"144.022. To comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution, the governor may require the director of revenue to suspend collection of a portion of the state sales and use tax. The portion so suspended may be up to, but not in excess of, three percent of the purchase price paid or charged for food sold at retail businesses. For the purposes of this section, the term "food" shall include only those articles of food which are authorized under the federal food stamp program to be redeemable for food stamps. During any fiscal year in which the commissioner of administration certifies that total state revenues are reasonably projected to be in excess of the limitation established in sections 16 and 18 of article X of the Missouri constitution, the governor, by executive order, shall direct and specify the amount of sales and use tax collections which the director shall suspend. Other laws to the contrary notwithstanding, the director of revenue shall suspend collection of the amount directed by an executive order issued pursuant to this section. The tax collected on transactions shall be proportionately reduced during the period the executive order issued pursuant to this section is in effect. Any suspension in the state sales and use tax collections shall continue for the period deemed necessary in the executive order to comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution but shall not extend past the fiscal year in which the executive order was issued."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Mueller offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House - Bill No. 1172, Page 5, Section 143.161, Line 19, by inserting immediately after said line the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. The rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, except as provided in subsection 3 of this section, a tax equivalent to four percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to four percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to four percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to four percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to four percent on the basic rate paid or charged on all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telephone subscribers or others, pursuant to section 144.060, shall not be considered as amounts paid for communication or telephone services or equipment;

(5) A tax equivalent to four percent of the basic rate paid or charged for all sales of services for transmission of

messages of telegraph companies;

(6) A tax equivalent to four percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to four percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the transportation division of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to four percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 and the tax was paid at the time of purchase, the lessor or renter shall not apply or collect the tax on the subsequent lease or rental receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440, and no such tax shall then be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.510 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. A tax equivalent to one percent of the purchase price paid or charged for food sold at retail businesses which are authorized as participants in the federal food stamp program. For the purposes of this section, the term "food" shall include only those articles of food which are authorized under the federal food stamp program to be redeemable for food stamps."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

At the request of Senator Lybyer, **HS** for **HCS** for **HB 1172**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Maxwell moved that **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Maxwell, **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Wiggins--28

Nays--Senators

Rohrbach	Treppler	Westfall--3
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Absent--Senator Clay--1

Absent with leave--Senators

House	Scott--2
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The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs Nos. 884** and **841**, entitled:

An Act to repeal sections 552.040, 595.209, 630.110, 630.115, 630.125, 630.140, 630.150, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.192, 630.200, 630.615, 630.620, 630.805, 631.110, 631.115, 631.120, 631.135, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.360, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994, and sections 630.005 and 630.053, RSMo Supp. 1995, relating to mental health and to enact in lieu thereof fifty-nine new sections relating to the same subject, with penalty provisions.

With House Amendments Nos. 1, 3, 4, 5, 6 and 9.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 7, Section 552.040, Line 5, by inserting before the word "acquitted" on said line, the words "**tried and**"; and

Further amend, Page 9, Section 552.040, Line 7, by inserting before the word "acquitted" on said line the words "**tried and**"; and

Further amend, Page 83, Section 632.005 (13), Line 20, by inserting a quotation mark after the word "program".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 14, Section 552.040, Line 13 of said page, by deleting the words "unless the" and by deleting lines 14 through 22 of said page and by deleting the word "detained" on line 1 of page 15; and

Further amend said bill, Page 16, Section 552.040, Lines 11-13, by deleting the words "and jurisdiction is not transferred to the court having probate jurisdiction within thirty days".

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 45, Section 630.115, Line 11, by inserting:

"(9) To decide not to participate or may withdraw from any research at any time for any reason;" and

Further amend said bill by renumbering the remainder of the section.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 69, Section 630.620, by inserting after said section, the following:

"630.710. 1. The standards contained in the rules shall particularly provide for the following:

- (1) Admission and commitment criteria, which shall be based upon diagnoses;
- (2) Care, treatment, habilitation or rehabilitation;
- (3) General medical and health care;
- (4) Adequate physical plant facilities, including fire safety, housekeeping and maintenance standards;
- (5) Food service facilities;
- (6) Safety precautions;
- (7) Drugs and medications;
- (8) Uniform system of recordkeeping;
- (9) Resident or client rights and grievance procedures;
- (10) Adequate staff.

2. By August 28, 1997, the rules shall require a criminal record review from the highway patrol for all staff in the residential facility and day program who have unsupervised contact with persons affected by a mental disorder, mental illness, mental retardation or a developmental disability.

[2]**3.** The rules containing the standards for living units within facilities or homes shall provide for such

classifications of the living units as are small enough to insure programs based upon the personal needs of the resident as determined by individualized habilitation or treatment plans. The units may include distinct parts of other facilities such as wards, wings or floors."; and

Amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 48, Section 630.140, Line 5, by inserting after the word "records" on said line the following: "including medication given, dosage levels, an individual ordering such medication".

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bills Nos. 884 and 841, Page 83, Section 632.005 (10), Line 3, by inserting following the word "professional" the words "**employed by the state of Missouri**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 661**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 661, Page 1, Section 252.068, Line 1, by inserting immediately before all of said line the following:

"252.045. 1. No motor vehicle shall be operated within the boundary of any land owned, leased or managed by the Missouri conservation commission except upon roads, thoroughfares or areas specifically designated for travel by the commission. Except as otherwise specifically posted by the commission, or established by other governmental authority, the speed limit within any land owned, leased or managed by the Missouri conservation commission shall be forty-five miles per hour.

2. Except as otherwise provided in this subsection, swimming, camping, shooting, fires, fireworks, use of firearms, digging, **cutting or removal of vegetation,** tree stands, horses, pets, cave exploring, **entry on areas closed to public use,** bicycling [and], the operation and parking of [motor-driven land] **all land and water** conveyances, **trailers,** and aircraft are permitted only where, when, and in the manner specifically authorized by the commission on all wildlife refuges, wildlife management areas, state forests, natural areas, lakes, fishing accesses and all land and waters owned, leased or managed by the commission. **Upon providing reasonable prior notification to the commission, a public utility, rural electric cooperative or railroad may cut or remove vegetation from, and construct and maintain utility services on, easement areas granted by the commission and other areas covered pursuant to the terms of existing agreements. Reasonable prior notification shall take into account weather conditions and work schedules, and shall not be required for the restoration of essential utility services.**

3. No person shall discard solid waste, garbage, refuse[,] or other materials on any lands or waters described in this section. No person shall discard solid waste, garbage, refuse[,] or other materials in a solid waste receptacle located on lands described in this section if the discarded materials were generated outside the boundaries of such lands."; and

Further amend said bill in the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 876**.

With House Committee Amendment No. 1 and House Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 876, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal section 207.125, RSMo 1994, relating to certain boards and commissions, and to enact in lieu thereof two new sections relating to the same subject, with a termination date for a certain section and with an emergency clause."; and

Further amend said bill, Page 1, Section A, Lines 1 and 2, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Section 207.125, RSMo 1994, is repealed and two new sections enacted in lieu thereof, to be known as sections 26.301 and 207.125, to read as follows:"; and

Further amend said bill, Page 1, Section 26.301, Line 9, by adding after all of said line the following:

"207.125. 1. The general assembly shall establish in the division of family services, the "Missouri Family Services Advisory Council" which shall consist of fifteen citizens to be appointed as follows:

(1) Five members, two of whom shall be members of the house of representatives each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the speaker of the house of representatives;

(2) Five members, two of whom shall be members of the senate each of whom shall be a member of a different political party, appointed by the governor from a list submitted by the president pro tempore of the senate;

(3) Five members appointed by the governor who either participate in, or represent persons who participate in, any of the division of family services' programs.

2. The council shall organize by electing one member as chairperson and another as vice chairperson. The council shall meet no fewer than four times per calendar year in Jefferson City, at the call of the chairman, in facilities made available by the division of family services. The council members shall [receive no compensation and no per diem expenses] **be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.**

3. The council shall advise and counsel the division of family services on the rules, regulations and policy issues of the division and their effect on families. In addition, the council shall oversee the implementation and assess the success or failure of pilot projects which are chosen by the director of the division of family services for review by the council. The council shall report to the governor, the speaker of the house of representatives and the president pro tempore of the senate the results of the council's study of each pilot project reviewed by the council. Such report shall include the council's recommendation as to whether the pilot project should be expanded.

4. The council shall also serve in an ombudsman capacity by hearing complaints of citizens affected by the decisions and actions of the division regarding out-of-home placements of children in the custody of the division of family services and in-home services provided by the division of family services to families and children resulting from reports of child abuse and neglect which are received by the division. The council shall hire two employees to act as an

ombudsman and secretary, whose salaries shall be paid from state appropriations made for that purpose from the division of family services budget. The ombudsman and secretary shall report to the advisory council quarterly on the number and nature of complaints and the manner in which they were resolved. The advisory council shall report annually, by January fifteenth, to the director of the division of family services and the children's services commission regarding the number, the nature and the disposition of complaints referred to the ombudsman.

5. The provisions of this section shall expire July 1, 1998.

Section B. Because immediate action is necessary to ensure the orderly operation of certain boards and commissions, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval."

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 876, Page 1, In the Title, Lines 2 and 3, by striking out all of said lines and inserting in lieu thereof the following: "To repeal sections 210.775 and 210.776, RSMo, Supp. 1995, relating to certain boards and commissions, and to enact in lieu thereof three new sections relating to the same subject with an expiration date for certain sections."; and

Further amend said bill, Section A, Lines 1 and 2, by striking out all of said lines and inserting in lieu thereof the following:

"Section A. Sections 210.775 and 210.776, RSMo Supp. 1995, are repealed and three new sections enacted in lieu thereof, to be known as sections "26.301, 210.775, and 210.776, to read as follows:"; and

Further amend said bill, Page 1, Section 26.301, Line 9, by inserting immediately after said line the following:

"210.775. 1. There is hereby created the "Missouri Foster and Group Home Placement Task Force". The task force shall consist of the following members:

- (1) The director of the department of mental health, or the designee of the director;**
- (2) The director of the division of mental retardation and developmental disabilities, or the designee of the director;**
- (3) The director of the division of comprehensive psychiatric services, or the designee of the director;**
- (4) The director of the department of social services, or the designee of the director;**
- (5) The director of the division of family services, or the designee of the director;**
- (6) The director of the division of youth services, or the designee of the director;**
- (7) The commissioner of the department of elementary and secondary education, or the designee of the commissioner;**
- (8) An elementary school administrator and an elementary school special education teacher, appointed by the governor;**
- (9) A secondary school administrator and a secondary school special education teacher, appointed by the governor;**
- (10) Four foster parents, one of whom shall be from a noncharter county of the first classification containing a population in excess of two hundred thousand and one of whom shall be from that portion of a metropolitan statistical area, as defined by the federal Office of Management and Budget or its successor agency, within the**

boundaries of Missouri with a population of at least one million nine hundred thousand inhabitants and two administrators of a residential care facility for children, appointed by the governor;

(11) A member of the judiciary, who currently serves as a family court judge, appointed by the chief justice of the supreme court.

2. Members of the task force who are appointed by the governor shall be appointed with the advice and consent of the senate. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The division of family services shall convene, organize and provide support services for the Missouri foster and group home placement task force.

[210.775. 1. There is hereby created the "Missouri Foster and Group Home Placement Task Force". The task force shall consist of the following members:

- (1) The director of the department of mental health, or his designee;
- (2) The director of the division of mental retardation and developmental disabilities, or his designee;
- (3) The director of the division of comprehensive psychiatric services, or his designee;
- (4) The director of the department of social services, or his designee;
- (5) The director of the division of family services, or his designee;
- (6) The director of the division of youth services, or his designee;
- (7) The commissioner of the department of elementary and secondary education, or his designee;
- (8) An elementary school administrator and an elementary school special education teacher, appointed by the governor;
- (9) A secondary school administrator and a secondary school special education teacher, appointed by the governor;
- (10) Two foster parents and two administrators of a residential care facility for children, appointed by the governor;
- (11) A member of the judiciary, who currently serves as a family court judge, appointed by the chief justice of the supreme court.

2. Members of the task force who are appointed by the governor shall be appointed with the advice and consent of the senate. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.]

210.776. 1. The task force shall conduct a study of the current status of foster home and residential care facility placement of children in this state. At the completion of the study, the task force shall submit a report of the findings of the study and recommendations for changes to the governor, the speaker of the house of representatives and the president pro tem of the senate. The study shall establish baseline data and make recommendations regarding at least the following:

- (1) The number of children's residential care facilities and foster homes and the actual and licensed capacities of such facilities in each school district in relation to the population of the school district;**
- (2) The training and qualifications of foster parents and personnel in residential care facilities;**
- (3) The amount paid to each foster home or residential care facility and the amount paid for each child and**

options to reimburse school districts for additional educational services provided to children placed in such homes or facilities;

(4) The proximity of children in homes or facilities to schools providing special education services and transportation costs to the schools;

(5) The administrative process whereby a child is moved from one out-of-home placement to another;

(6) The processing, updating and handling of children's records as children are transferred;

(7) The availability of social workers or case managers to aid school districts which have a disproportionate share of children with special needs who are placed in the district by a state agency;

(8) The visitation and accountability of social workers or case managers assigned to children in foster homes or residential care facilities;

(9) The agencies responsible for children's placement issues and options for coordination and consolidation;

(10) The number and location of satellite homes associated with facilities;

(11) The safety procedures needed regarding the notification of law enforcement and fire departments of the location and special needs of residents.

2. Sections 210.775 and 210.776 shall expire on January 1, 1998.

[210.776. 1. The task force shall conduct a study of the current status of foster home and residential care facility placement of children in this state. Such study shall be completed by October 31, 1995. At the completion of the study, the task force shall submit a report of the findings of the study and recommendations for changes to the governor, the speaker of the house of representatives and the president pro tem of the senate. The study shall establish baseline data and make recommendations regarding at least the following:

(1) The number of children's residential care facilities and foster homes and the actual and licensed capacities of such facilities in each school district in relation to the population of the school district;

(2) The training and qualifications of foster parents and personnel in residential care facilities;

(3) The amount paid to each foster home or residential care facility and the amount paid for each child and options to reimburse school districts for additional educational services provided to children placed in such homes or facilities;

(4) The proximity of children in homes or facilities to schools providing special education services and transportation costs to the schools;

(5) The administrative process whereby a child is moved from one out- of-home placement to another;

(6) The processing, updating and handling of children's records as children are transferred;

(7) The availability of social workers or case managers to aid school districts which have a disproportionate share of children with special needs who are placed in the district by a state agency;

(8) The visitation and accountability of social workers or case managers assigned to children in foster homes or residential care facilities;

(9) The agencies responsible for children's placement issues and options for coordination and consolidation;

(10) The number and location of satellite homes associated with facilities;

(11) The safety procedures needed regarding the notification of law enforcement and fire departments of the location and special needs of residents.

2. Sections 210.775 and 210.776 shall expire on January 1, 1996.]".

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 787**.

Bill ordered enrolled.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1436, regarding Mark Edwin Gants, IV, Blue Springs, which was adopted.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Thursday, May 16, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-FIFTH DAY--THURSDAY, MAY 16, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Heavenly Father, the apostle Paul admonished his friends in Galatia, "Let us not be weary in well doing." At this time of year we grow weary and the temptation is to either give in or give up. We pray for strength and wisdom to see us through until the job is done. We ask that You be with us. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Banks moved that **HCR 13**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Banks, **HCR 13**, as amended, was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	Johnson
Kenney	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--25

Nays--Senators--None

Absent--Senators

Bentley	Curls	Graves	Howard
Klarich	Mueller	Schneider--7	

Absent with leave--Senators

House Scott--2

Senator Maxwell moved that **HCR 10** be taken up for adoption, which motion prevailed.

On motion of Senator Maxwell, **HCR 10** was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Bentley Graves Schneider--3

Absent with leave--Senators

House Mueller Scott--3

RESOLUTIONS

Senator Ehlmann moved that **SR 1400** be taken up for adoption, which motion prevailed.

On motion of Senator Ehlmann, **SR 1400** was adopted.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 500**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Bill No. 500, Page 1, Section 136.400, Line 5, by inserting after the word "**refunded**" the following:

"and certify annually to the general assembly an itemized list and definition of all sources and dollar amounts of total state revenue. Once a source of revenue has been certified as total state revenue by the office of administration, such source shall remain total state revenue in subsequent years unless the source in subsequently excluded from total state revenue pursuant to Article X, section 18 (c) of the Missouri constitution. The amount of excess revenue to be refunded is subject to appeal according to Article X, section 23 of the Missouri constitution".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 719**.

With House Committee Amendment No. 1, House Amendments Nos. 1 and 2.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend SCS/Senate Bill No. 719, Page 1, Section Title, Line 3-4 by striking the words "public administrators" and inserting in lieu thereof the following: "certain county officials"; and

Further amend said bill, page 9, section 475.050, line 30, by inserting immediately after said line, the following:

"476.405. 1. Within the limits of any appropriation made for this purpose, the salary fixed by sections 211.381, 211.393, 477.130, 478.013, 478.018, 483.083, **483.163**, and 485.060, RSMo, may be adjusted in any one year by a salary adjustment. The salary adjustment shall not exceed the salary adjustment for the executive department contained in the pay plan applicable to other state employees at a similar salary level for that fiscal year. If no salary adjustment or a lower salary adjustment is granted pursuant to this section than is granted the executive department in any year, then

the salary adjustment granted pursuant to this section in the next fiscal year may exceed the salary adjustment of the executive department by the amount of the difference in the prior year.

2. The amount of a salary adjustment to be approved pursuant to this section shall be stated in a separate line item of the appropriation bill. A salary adjustment approved pursuant to this section shall be added to the statutory salary and the sum of these amounts shall be the statutory salary of the office for all purposes. This statutory salary shall be included in the appropriation bill in the same manner as any other personal service appropriation involving a statutory salary.

3. The office of administration shall maintain a compensation schedule for each fiscal year indicating the highest statutory salary paid for each office specified in sections 211.381, 211.393, 477.130, 478.013, 478.018, 483.083, **483.163**, and 485.060, RSMo, and the salary adjustment contained in the pay plan applicable to other state employees generally. The schedule shall be open for public inspection and shall be annually included in the Missouri Register and an appendix to the Revised Statutes of Missouri. For each office for which a salary adjustment is approved pursuant to this section, the revisor of statutes shall place a revisor's note following each section providing compensation for the office referencing the reader to the compensation index.

483.163. 1. Each circuit clerk, except the circuit clerk in any city not within a county, shall cooperate with the prosecuting attorney and division of child support enforcement in the investigation and documentation of possible criminal nonsupport under section 568.040, RSMo, which involves any case or cases for which the clerk is trustee.

2. Other provisions of law to the contrary notwithstanding, for the performance of the duties prescribed in subsection 1 of this section, each circuit clerk, except the circuit clerk in any city not within a county, in addition to any other compensation provided by law, shall receive five thousand dollars per year beginning January 1, 1997. Such compensation shall be payable in equal installments in the same manner and at the same time as other compensation is paid to the circuit clerk.

3. For every year beginning July 1, 1998, the amount of increased compensation established in subsection 2 of this section shall be adjusted by any salary adjustment authorized under section 476.405, RSMo."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 719, Page 8, Section 473.739, Line 3, by deleting the following: "[twenty-five] **forty-five**" and inserting in lieu thereof the word "twenty-five".

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 719, Page 8, Section 473.747, Lines 6-10 by deleting all of said lines in said section;

And further amend said bill, pages 8 and 9, section 475.050, lines 3 and 4 by deleting the words "**in the following order**";

And further amend said bill, page 9, section 475.050, lines 15 and 16 by deleting the words "**Whenever it is in the interest of the incapacitated or disabled person,**";

And further amend said bill by amending the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended: Senators Maxwell, Lybyer, Wiggins, Melton and Flotron.

PRIVILEGED MOTIONS

Senator Howard moved that **SB 661**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Howard moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Bentley Klarich--2

Absent with leave--Senators

House Mueller Scott--3

On motion of Senator Howard, **SB 661**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

House	Mueller	Scott--3
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The President Pro Tem declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Treppler moved that **SB 876**, with **HCA 1** and **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Wiggins assumed the Chair.

Senator Treppler moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler

Westfall	Wiggins--30	
	Nays--Senators--None	
	Absent--Senator Schneider--1	
	Absent with leave--Senators	
House	Mueller	Scott--3

HA 1 was taken up.

Senator Treppler moved that the above amendment be adopted, which motion prevailed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senators

House	Mueller	Scott--3
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On motion of Senator Treppler, **SB 876**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell

Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators--None		
	Absent--Senator Schneider--1		
	Absent with leave--Senators		
House	Mueller	Scott--3	

The President declared the bill passed.

On motion of Senator Treppler, title to the bill was agreed to.

Senator Treppler moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Staples moved that **SB 719**, with **HCA 1**, **HAs 1** and **2**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senator Rohrbach--1		
	Absent--Senator Quick--1		
	Absent with leave--Senators		
House	Mueller--2		

Senator Staples moved that the Senate refuse to concur in **HA 1** and **HA 2** to **SB 719** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

On motion of Senator Staples, **SB 719**, with **HCA 1**, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Kinder
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Kenney	Rohrbach--2
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Absent--Senators

Johnson	Lybyer	Quick--3
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Absent with leave--Senators

House	Mueller--2
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The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Moseley moved that **SCS** for **SBs 884** and **841**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 884** and **841**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 884 AND 841

An Act to repeal sections 552.040, 595.209, 630.110, 630.115, 630.125, 630.140, 630.150, 630.155, 630.160, 630.165, 630.167, 630.168, 630.170, 630.175, 630.192, 630.200, 630.615, 630.620, 630.805, 631.110, 631.115,

631.120, 631.135, 631.140, 631.145, 631.150, 631.165, 632.005, 632.300, 632.305, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.360, 632.365, 632.370, 632.375, 632.380, 632.390, 632.400, 632.410, 632.415, 632.440, 632.455, 633.125 and 633.160, RSMo 1994, and sections 630.005 and 630.053, RSMo Supp. 1995, relating to mental health and to enact in lieu thereof fifty-nine new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Moseley moved that **HS** for **HCS** for **SCS** for **SBs 884** and **841**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Graves	Howard	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Goode	Johnson--2
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Absent with leave--Senators

House	Mueller--2
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On motion of Senator Moseley, **HS** for **HCS** for **SCS** for **SBs 884** and **881**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton

Staples Treppler Westfall Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

House Mueller--2

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Banks, on behalf of the conference committee appointed to act with a like committee from the House on **SB 858**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE BILL NO. 858 WITH

HOUSE AMENDMENT NO. 1 AND

PART I OF HOUSE AMENDMENT NO. 2, AS AMENDED

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 858, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Bill No. 858, with House Amendment No. 1 and Part I of House Amendment No. 2, as amended;

2. That Senate Bill No. 858 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ J.B. "Jet" Banks /s/ Paula J. Carter

/s/ Harry Wiggins /s/ Henry C. Rizzo

/s/ Marvin Singleton /s/ Craig Hosmer

/s/ Joe Moseley /s/ Dale Whiteside

/s/ Betty Sims /s/ Sandra D. Kauffman

Senator Banks moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senator McKenna--1

Absent with leave--Senators

House Mueller--2

On motion of Senator Banks, **SB 858** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senators

House Mueller--2

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HCS** for **HBs 800, 812, 817 and 821**, with **SCS** and **SS No. 3** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Caskey, **SS No. 3** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** was withdrawn.

Senator Caskey offered **SS No. 4** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, entitled:

SENATE SUBSTITUTE NO. 4 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 800, 812, 817 AND 821

An Act to repeal sections 105.470, 195.017, 217.730, 302.225, 317.001, 317.006, 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, 367.050, 451.020, 479.020, 542.276, 544.170, 546.680, 556.037, 562.021, 562.026, 566.067, 566.068, 569.170, 570.210, 574.085, 575.010, 575.020, 575.030, 575.090, 590.110, 595.025 and 595.045, RSMo 1994, sections 544.157, 549.525, 565.084 and 600.042, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof sixty-two new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Caskey moved that **SS No. 4** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** be adopted.

Senator Johnson assumed the Chair.

Senator Flotron offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 4 for Senate Committee Substitute for House Committee Substitute for House Bill No. 800, 812, 817 and 821, Page 35, Section 217.730, Line 2 by inserting immediately before said line, the following:

"211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen has committed an offense which would be considered a felony if committed by an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be transferred to the court of general jurisdiction and prosecuted under the general law; except that if a petition alleges that any child has committed an offense which would be considered first degree murder under section 565.020, RSMo, second degree murder under section 565.021, RSMo, first degree assault under section 565.050, RSMo, forcible rape under section 566.030, RSMo, forcible sodomy under section 566.060, RSMo, first degree robbery under section 569.020, RSMo, or distribution of drugs under section 195.211, RSMo, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the court shall order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general jurisdiction for prosecution under the general law.

2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly committed by any person between

seventeen and twenty-one years of age over whom the juvenile court has retained continuing jurisdiction shall automatically terminate and that offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any action or proceeding which occurs based upon the misrepresentation. Any evidence obtained during the period of time in which a child misrepresents his age may be used against the child and will be subject only to rules of evidence applicable in adult proceedings.

4. Written notification of a transfer hearing shall be given to the juvenile and his custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the hearing is to determine whether the child is a proper subject to be dealt with under the provisions of this chapter, and that if the court finds that the child is not a proper subject to be dealt with under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the child under the general law.

5. The juvenile officer may consult with the office of prosecuting attorney concerning any offense for which the child could be certified as an adult under this section. The prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile officer, statements of witnesses and all other records or reports relating to the offense alleged to have been committed by the child. The prosecuting or circuit attorney shall have access to the disposition records of the child when the child has been adjudicated pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information regarding the child and the offense until the juvenile court at a judicial hearing has determined that the child is not a proper subject to be dealt with under the provisions of this chapter.

6. A written report shall be prepared in accordance with this chapter developing fully all available information relevant to the criteria which shall be considered by the court in determining whether the child is a proper subject to be dealt with under the provisions of this chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice system. These criteria shall include but not be limited to:

(1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;

(2) Whether the offense alleged involved viciousness, force and violence;

(3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;

(4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;

(5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;

(6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;

(7) The age of the child;

(8) The program and facilities available to the juvenile court in considering disposition; **and**

(9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court[; and

(10) Racial disparity in certification].

7. If the court dismisses the petition to permit the child to be prosecuted under the general law, the court shall enter a dismissal order containing:

- (1) Findings showing that the court had jurisdiction of the cause and of the parties;
- (2) Findings showing that the child was represented by counsel;
- (3) Findings showing that the hearing was held in the presence of the child and his counsel; and
- (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

8. A copy of the petition and order of the dismissal shall be sent to the prosecuting attorney.

9. When a petition has been dismissed thereby permitting a child to be prosecuted under the general law, the jurisdiction of the juvenile court over that child is forever terminated, except as provided in subsection 10 of this section, for an act that would be a violation of a state law or municipal ordinance.

10. If a petition has been dismissed thereby permitting a child to be prosecuted under the general law and the child is found not guilty by a court of general jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that child which would be considered a misdemeanor or felony if committed by an adult, subject to the certification provisions of this section.

11. If the court does not dismiss the petition to permit the child to be prosecuted under the general law, it shall set a date for the hearing upon the petition as provided in section 211.171."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Kenney, Kinder and Klarich.

Senator Quick assumed the Chair.

SA 1 failed of adoption by the following vote:

Yeas--Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Melton	Moseley
Mueller	Rohrbach	Russell	Singleton
Treppler	Westfall--14		

Nays--Senators

Banks	Caskey	Clay	Curls
DePasco	Goode	Johnson	Lybyer
Mathewson	McKenna	Quick	Scott
Staples	Wiggins--14		

Absent--Senators

Bentley	Howard	Maxwell	Schneider
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Absent with leave--Senator House--1

Senator Singleton raised the point of order that Senator Mathewson's vote should not be allowed as he was interrupting a roll call.

The President Pro Tem ruled the point of order not well taken.

Senator Kenney offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 4 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 35, Section 195.248, Line 1, by inserting immediately after said line, the following:

"217.257. 1. Offenders who have one previous remand to the department of corrections for felonies unrelated to the present felony offense or who refuse to participate in work or educational programs required by the department of corrections shall be employed at such labor, in such places and under such regulations within the state as may be determined by the department, subject to other provisions of law. The department is expressly authorized to establish posts, camps, stations or work crews in conjunction with labor, discipline or rehabilitation programs.

2. The department is further authorized to require offenders described in subsection 1 of this section to participate in programs designed to improve their physical, mental or psychological well-being, or programs designed to instill discipline and a sense of responsibility.

3. The department is authorized to adopt rules and regulations, to enter into contracts and to take any other action necessary to implement the programs outlined in this section. Rules and regulations shall be adopted as required under section 536.024, RSMo.

4. The department shall take all reasonable steps to protect the public from offenders in work programs, and in no case shall an offender convicted of first degree murder, as defined in section 565.020, RSMo, first degree assault, as defined in section 565.050, RSMo, forcible rape, as defined in section 566.030, RSMo, or forcible sodomy, as defined in section 566.060, RSMo, be placed in a work program under this section.

5. Offenders participating in work programs under this section shall wear distinctive, colored uniforms and may be required to wear shackles and chains.

6. No offender shall have a legal cause of action because he is required to participate in a work program authorized under this section, and no offender assigned to such a program shall be considered an employee of the state, any city or county, or any public, private or charitable entity for the purpose of determining benefits for work performed, nor shall the services performed by the offender be deemed employment within the meaning of the provisions of chapter 287 or chapter 288, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Staples raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and purpose of the subject matter of the bill.

President Pro Tem Mathewson ruled the point of order not well taken.

Senator Kenney offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 4 for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 800, 812, 817 and 821, Page 35, Section 195.248, Line 1, by inserting immediately after said line, the following:

"217.257. 1. Offenders who have two previous remands to the department of corrections for felonies unrelated to the present felony offense or who refuse to participate in work or educational programs required by the department of corrections shall be employed at such labor, in such places and under such regulations within the state as may be determined by the department, subject to other provisions of law. The department is expressly authorized to establish posts, camps, stations or work crews in conjunction with labor, discipline or rehabilitation programs.

2. The department is further authorized to require offenders described in subsection 1 of this section to participate in programs designed to improve their physical, mental or psychological well-being, or programs designed to instill discipline and a sense of responsibility.

3. The department is authorized to adopt rules and regulations, to enter into contracts and to take any other action necessary to implement the programs outlined in this section. Rules and regulations shall be adopted as required under section 536.024, RSMo.

4. The department shall take all reasonable steps to protect the public from offenders in work programs, and in no case shall an offender convicted of first degree murder, as defined in section 565.020, RSMo, first degree assault, as defined in section 565.050, RSMo, forcible rape, as defined in section 566.030, RSMo, or forcible sodomy, as defined in section 566.060, RSMo, be placed in a work program under this section.

5. Offenders participating in work programs under this section shall wear distinctive, colored uniforms and may be required to wear shackles and chains.

6. No offender shall have a legal cause of action because he is required to participate in a work program authorized under this section, and no offender assigned to such a program shall be considered an employee of the state, any city or county, or any public, private or charitable entity for the purpose of determining benefits for work performed, nor shall the services performed by the offender be deemed employment within the meaning of the provisions of chapter 287 or chapter 288, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Kenney moved that the above substitute amendment be adopted.

At the request of Senator Caskey, **HCS** for **HBs 800, 812, 817 and 821**, with **SCS**, **SS No. 3** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

President Wilson assumed the Chair.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended: Representatives: Rizzo, Scheve, Thomason, Cooper, Wannemacher.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt

SS No. 2 for HB 809, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HS for HB 1368** and has taken up and passed **SCS for HS for HB 1368** as amended by the conference committee report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409**, as amended, and has taken up and passed **CCS for SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee, to act with a like committee from the Senate on **HS for HCS for SB 888**, as amended: Representatives: Jacob, Murray (69), Klumb, Chrismer, Scott.

CONFERENCE COMMITTEE REPORTS

Senator Johnson, on behalf of the conference committee appointed to act with a like committee from the House on **SS for SCS for HS for HCS for HBs 1207, 1288, 1408 and 1409**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, as amended;
2. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1207, 1288, 1408 and 1409, be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sidney Johnson /s/ Phil Tate
/s/ Jim Mathewson /s/ Sam Leake
/s/ Mike Lybyer /s/ Gary Wiggins
/s/ Larry Rohrbach /s/ Dale Whiteside
/s/ Morris Westfall /s/ Ken Legan

Senator Johnson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

On motion of Senator Johnson, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1207, 1288, 1408 and 1409**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1207, 1288, 1408 and 1409

An Act to repeal section 261.105, RSMo Supp. 1995, relating to agriculture, and to enact in lieu thereof sixteen new sections relating to the same subject, with an emergency clause and an expiration date for certain sections.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Johnson moved that the Senate refuse to recede from its position on **SS No. 2** for **HB 809**, as amended, and grant the House a conference thereon, which motion prevailed.

Senator Mathewson moved that **SB 500**, with **HA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Mathewson moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Scott	Staples--2
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Absent with leave--Senator House--1

On motion of Senator Mathewson, **SB 500**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Mathewson, title to the bill was agreed to.

Senator Mathewson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HS** for **HB 1368**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1368

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Bill No. 1368, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Amendments Nos. 3 and 4 to Senate Committee Substitute for House Substitute for House Bill No. 1368;
2. That the House recede from its position on Senate Amendments Nos. 1 and 2 to Senate Committee Substitute for House Substitute for House Bill No. 1368;
3. That the attached Conference Committee Amendments Nos. 1 and 2 be adopted; and
4. That Senate Committee Substitute for House Substitute for House Bill No. 1368 as amended by Senate Amendments Nos. 1 and 2, and Conference Committee Amendments Nos. 1 and 2 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ Brian May

/s/ Irene Treppler /s/ Matt O'Neill

/s/ William Clay /s/ Tim C. Harlan

/s/ Morris Westfall /s/ Chuck Pryor

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Page 1, In the Title, Line 6, by deleting the word "eighteen" and inserting in lieu thereof the following: "nineteen"; and

Further amend said bill, Page 1, Section A, Line 4, by deleting the word "eighteen" and inserting in lieu thereof the following: "nineteen"; and

Further amend said bill, Page 1, Section A, Lines 7 through 8, by deleting all of said lines and inserting in lieu thereof the following: "288.140, 288.160, 288.190, 288.200, 288.380, 347.015, 347.187, 351.488, 358.150 and 1, to read as follows:"; and

Further amend said bill, Page 43, Section 358.150, Line 41, by inserting after all of said line the following:

"Section 1. Notwithstanding any other provision of law to the contrary, beginning January 1, 1997, those insurance companies providing coverage pursuant to chapter 287, RSMo, to a limited liability company, as defined in section 347.015, RSMo, shall provide coverage for the employees of the limited liability company who are not members of the limited liability company. Members of the limited liability company, as defined in section 347.015, RSMo, shall also be provided coverage pursuant to chapter 287, RSMo, but such members may individually elect to reject such coverage by providing a written notice of such rejection on a form developed by the department of insurance to the limited liability company and its insurer. Failure to provide notice to the limited liability company shall not be grounds for any member to claim that the rejection of such coverage is not legally effective. A member who elects to reject such coverage shall not thereafter be entitled to workers' compensation benefits under the policy, even if serving or working in the capacity of an employee of the limited liability company, at least until such time as said member provides the limited liability company and its insurer with a written notice which rescinds the prior rejection of such coverage. The written notice which rescinds the prior rejection of such coverage shall be on a form developed by the department of insurance. Any rescission shall be prospective in nature and shall entitle the member only to such benefits which accrue on or after the date the notice of rescission form is received by the insurance company."

CONFERENCE COMMITTEE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Bill No. 1368, Page 30, Section 288.190, Line 63, by inserting after all of said line the following:

"5. Any party subject to any decision of an appeals tribunal pursuant to this chapter has a right to counsel and shall be notified prior to a hearing conducted pursuant to this chapter that a decision of the appeals tribunal is presumptively conclusive for the purposes of this chapter as provided in section 288.200."

Senator McKenna moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Staples--1

Absent with leave--Senator House--1

On motion of Senator McKenna, **SCS** for **HS** for **HB 1368**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Moseley Staples--2

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Wiggins moved that **HS** for **HCS** for **HBs 1320, 981, 1042, 1109** and **1250**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS, SA 2** and **SSA 2** for **SA 2** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Moseley, **SSA 2** for **SA 2** was withdrawn.

At the request of Senator Schneider, **SA 2** was withdrawn.

Senator Wiggins offered **SS No. 4** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**, entitled:

SENATE SUBSTITUTE NO. 4 FOR
SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1320, 981, 1042, 1109 and 1250

An Act to repeal sections 188.025 and 188.080, RSMo 1994, relating to abortions, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions and an effective date.

Senator Wiggins moved that **SS No. 4** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SS No. 4** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Banks Clay--2

Absent--Senators--None

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Moseley moved that the Senate refuse to concur in **HCS** for **SB 572**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS No. 2** for **HB 809**, as amended: Senators Johnson, Quick, McKenna, Singleton and Melton.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the conference committee report on **HCS** for **HB 781** and has taken up and passed **CCS** for **HCS** for **HB 781**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HA 1**, **HA 2** to **SB 719** and refuses to grant the Senate a conference thereon. The House of Representatives request the Senate adopt **HA 1**, **HA 2** to **SB 719** as amended by **HCA 1** and request the Senate take up and pass **SB 719** as amended by **HCA 1**, **HA 1** and **HA 2**.

Senator Quick resumed the Chair.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1437, regarding Marlene Stewart, which was adopted.

Senator Maxwell offered Senate Resolution No. 1438, regarding Jim Ellison, which was adopted.

On motion of Senator Banks, the Senate recessed for one hour.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

HOUSE BILLS ON THIRD READING

HCS for **HB 945**, with **SCS**, was placed on the Informal Calendar.

HB 985, with **SCS**, was placed on the Informal Calendar.

HB 1081, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Caskey, **HB 1428**, with **SCS**, was placed on the Informal Calendar.

HCS for **HBs 1557** and **1489**, with **SCS**, entitled:

An Act to repeal sections 57.080, 88.251, 115.123, 115.127, 115.132, 115.281, 115.300, 115.329, 115.333, 115.373, 115.385, 115.399, 115.401, 115.535, 115.611 and 115.613, RSMo 1994, and sections 115.125, 115.279 and 115.359, RSMo Supp. 1995, relating to election deadlines, and to enact in lieu thereof thirty-one new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Was taken up by Senator McKenna.

SCS for HCS for HBs 1557 and 1489, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1557 and 1489

An Act to repeal sections 57.080, 88.251, 115.123, 115.127, 115.329, 115.333, 115.373, 115.385, 115.399, 115.401 and 115.535, RSMo 1994, and sections 115.125 and 115.359, RSMo Supp. 1995, relating to election deadlines, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions and an emergency clause.

Was taken up.

Senator McKenna moved that SCS for HCS for HBs 1557 and 1489 be adopted.

Senator McKenna offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 8, Section 115.127, by adding at the end of said section, the following:

"115.279. 1. Application for an absentee ballot may be made by the applicant in person, or by mail, or for the applicant, in person, by his or her guardian or a relative within the second degree by consanguinity or affinity. The election authority may accept applications by facsimile transmission at its discretion and within the limits of its telecommunications capacity.

2. Each application shall be made to the election authority of the jurisdiction in which the person is or would be registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is or would be registered, his or her reason for voting an absentee ballot and the address to which the ballot is to be mailed, if mailing is requested. Each application to vote in a primary election shall also state which ballot the applicant wishes to receive. If any application fails to designate a ballot, the election authority shall, within three working days after receiving the application, notify the applicant by mail that it will be unable to deliver an absentee ballot until the applicant designates which **political party** ballot he or she wishes to receive. **If the applicant does not respond to the request for political party designation, the election authority is authorized to provide the voter with that part of the ballot for which no political party designation is required.**

3. All applications for absentee ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed in accordance with section 115.281. No application for an absentee ballot [submitted] **received in the office of the election authority** by mail, by facsimile transmission or by a guardian or relative after 5:00 p.m. on the Wednesday immediately prior to the election shall be accepted by any election authority. No application for an absentee ballot submitted by the applicant in person after 5:00 p.m. on the day before the election shall be accepted by any election authority.

4. Each application for an absentee ballot shall be signed by the applicant or, if the application is made by a guardian or relative pursuant to the provisions of this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian or relative is blind, unable

to read or write the English language or physically incapable of signing the application, he or she shall sign by mark, witnessed by the signature of an election official or person of his or her own choosing. Any person who knowingly makes, delivers or mails a fraudulent absentee ballot application shall be guilty of a class one election offense.

5. Notwithstanding any law to the contrary, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them may request an absentee ballot for both the primary and subsequent general election with one application."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator McKenna offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 13, Section 115.401, at the end of that section, by adding two new sections as follows:

"115.409. Except election authority personnel, election judges, watchers and challengers appointed pursuant to section 115.105 or 115.107, law enforcement officials at the request of election officials or in the line of duty, minor children under the age of [twelve] **eighteen** accompanying an adult who is in the process of voting, **persons designated by the election authority to administer a simulated youth election for persons ineligible to vote because of their age**, members of the news media who present identification satisfactory to the election judges and who are present only for the purpose of bona fide news coverage except as provided in subdivision (18) of section 115.637, provided that such coverage does not disclose how any voter cast his ballot on any question or candidate or in the case of a primary election on which party ballot they voted or does not interfere with the general conduct of the election as determined by the election judges or election authority, and registered voters who are eligible to vote at the polling place, no person shall be admitted to a polling place."; and

Further amend said bill page 13, section 115.535 line 6 by adding the following:

"Section 1. 1. Before being permitted to enter the polling place, each person designated by the election authority to administer a simulated youth election shall take the following oath:

I do solemnly swear that I will make no statement nor give any information of any kind tending in any way to show the state of the count prior to the close of the polls on election day.

Sworn and subscribed to before me

this.....day of, 19.....

.....

Simulated Youth Election Administrator

.....

Judge of Election

2. If any person admitted to the polling place to administer or participate in a simulated youth election interferes with the orderly process of voting, or is guilty of misconduct or any law violation, the election judges shall ask the person to leave the polling place or cease the interference. If the interference continues, the election judges shall notify the election authority, which shall take such action as it deems necessary. It shall be the duty of the police, if requested by the election authority or judges of election, to exclude any such person from the

polling place or the place where votes are being counted."; and

Further amend the title and enacting clause accordingly.

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator DePasco offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 5, Section 115.125, Line 3, by inserting after the word "or" a comma and the following: "**notwithstanding any prior laws to the contrary, in the year 1996 and thereafter,**"; and

Further amend said bill, Page 11, Section 115.399, Line 2, by inserting after the word "or" a comma and the following: "**notwithstanding any prior laws to the contrary, in the year 1996 and thereafter,**"; and

Further amend the title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489 Page 1, In the Title, Lines 4-5, by striking the words "election deadlines" and inserting in lieu thereof the word "elections"; and

Further amend said bill, page 8, section 115.127, line 76, by inserting immediately after said line, the following:

"115.300. In each jurisdiction using an electronic voting system [and using ballot cards as absentee ballots], the election authority may [prepare absentee ballot envelopes, as they are received for processing and tabulation on election day or on the day preceding election day] **start, not earlier than the fifth day prior to the election, the preparation of absentee ballots for tabulation on the election day.** The election authority shall give notice to the county chairman of each major political party forty-eight hours prior to beginning preparation of absentee ballot envelopes. Absentee ballot [envelopes] **preparation** shall be [prepared] **completed** by teams of election authority employees **or teams of election judges**, with each team consisting of one member from each major political party."; and

Further amend said bill, page 13, section 115.535, line 6, by inserting immediately after said line, the following:

"115.611. 1. **Except as provided in subsection 4 of section 115.613**, any registered voter of the county may have [his or her] **such voter's** name printed on the primary ballot of [his or her] **such voter's** party as a candidate for county committeeman or committeewoman by filing a declaration of candidacy in the office of the county election authority and by paying any filing fee required by subsection 2 of this section.

2. Before filing [his] **such candidate's** declaration of candidacy, candidates for county committeeman or county committeewoman shall pay to the treasurer of [his] **such candidate's** party's county committee, or submit to the county election authority to be forwarded to the treasurer of [his] **such candidate's** party's committee, a certain sum of money, as follows:

(1) One hundred dollars if [he] **such candidate** is a candidate for county committeeman or committeewoman in any county which has or hereafter has over nine hundred thousand inhabitants or in any city not situated in a county;

(2) Twenty-five dollars if [he] **such candidate** is a candidate for county committeeman or committeewoman in any county of the first class containing the major portion of a city which has over three hundred thousand inhabitants;

(3) Except as provided in subdivisions (1) and (2) of this subsection, no candidate for county committeeman or committeewoman shall be required to pay a filing fee.

3. Any person who cannot pay the fee to file as a candidate for county committeeman or committeewoman may have the fee waived by filing a declaration of inability to pay and a petition with the official with whom [he] **such candidate** files [his] **such candidate's** declaration of candidacy. The provisions of section 115.357 shall apply to all such declarations and petitions.

4. No person's name shall be printed on any official primary ballot as a candidate for county committeeman or committeewoman unless the person has filed a declaration of candidacy with the proper election authority not later than 5:00 p.m. on the last Tuesday in March immediately preceding the primary election.

115.613. 1. **Except as provided in subsection 4 of this section**, the qualified man and woman receiving the highest number of votes from each committee district for committeeman and committeewoman of a party shall be members of the county committee of the party.

2. If two or more qualified persons receive an equal number of votes for county committeeman or committeewoman of a party and a higher number of votes than any other qualified person from the party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

3. If no qualified person is elected county committeeman or committeewoman from a committee district for a party, a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

4. The provisions of this subsection shall apply only in any county where no filing fee is required for filing a declaration of candidacy for committeeman or committeewoman in a committee district. If only one qualified candidate has filed a declaration of candidacy for committeeman or committeewoman in a committee district for a party prior to the deadline established by law, no election shall be held for committeeman or committeewoman in the committee district for that party and the election authority shall certify the qualified candidate in the same manner and at the same time as candidates elected pursuant to subsection 1 of this section are certified. If no qualified candidate files for committeeman or committeewoman in a committee district for a party, no election shall be held and a vacancy shall exist on the county committee which shall be filled by a majority of the committee in the manner provided in section 115.617.

130.037. 1. Notwithstanding other provisions of the law to the contrary, any person who was a candidate at an election held on or before November 8, 1994, may form two candidate committees if that person's candidate committee reported outstanding obligations in excess of moneys on hand on the first report submitted pursuant to section 130.041 after November 8, 1994. One such committee shall be dedicated solely to raising moneys to pay off outstanding obligations of the candidate. **The committee may accept funds from the candidate committee to pay off outstanding obligations.** The committee may not engage in activities in support of the candidate for which it was formed, other than activities directly related to the retirement of debt. The committee may not contribute moneys to any other committee and may not make direct expenditures on behalf of any ballot issue. It may raise funds to retire the candidate's debt under the provisions of law in effect prior to November 8, 1994, so long as those contributions are expressly made to retire outstanding debt and are applied toward retiring such debt, but otherwise the provisions of this chapter apply. The treasurer and the candidate shall terminate the committee pursuant to section 130.021 within thirty days of its payment of the outstanding debt.

2. If a candidate has formed or forms a candidate committee to raise funds for a future election, that committee may accept contributions in the amount authorized by law and may use any contributions received for any purpose lawful under this chapter, except the payment of debt incurred before November 8, 1994. Moneys in the official depository accounts of the two committees cannot be commingled.

3. The provisions of this section shall expire December 31, 1996."; and

Further amend the title and enacting clause accordingly.

Senator Howard moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Section 115.123, Page 5, Line 31, by adding after the word "August" the following: **"and municipalities may hold elections in nonprimary years on the first Tuesday after the first Monday in August"**.

Senator Singleton moved that the above amendment be adopted, which motion prevailed.

Senator Maxwell offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489 Page 1, Section Title, Lines 4-5, by striking "election deadlines" and inserting in lieu thereof the following: "elections"; and

Further amend said bill, page 8, section 115.127, line 76, by inserting immediately after said line the following:

"115.283. 1. Each ballot envelope shall bear a statement on which the voter shall state his name, his voting address, his mailing address and his reason for voting an absentee ballot. On the form, the voter shall also state, under penalties of perjury that he is qualified to vote in the election, that he has not previously voted and will not vote again in the election, that he has personally marked his ballot in secret or supervised the marking of his ballot if he is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by him or under his supervision if he is unable to seal it, and that all information contained in the statement is true. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of I, (print name), a registered voter of County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am registered;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications for voting.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

.....

Signature of Voter Signature of Person

(if applicable)

.....

..... Subscribed and sworn to

Address of Voter before me this day

of, 19....

.....

.....

Mailing addresses Signature of notary or

(if different) other officer authorized

to administer oaths

3. The statement for persons voting absentee ballots under the provisions of subsection 2, 3 or 4 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of I,..... (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not declared incompetent by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

(1) I am a resident of the state of Missouri and (check one):

..... am a member of the U.S. armed forces in active service;

..... am an active member of the U.S. merchant marine;

..... am a civilian employee of the U.S. government working outside the United States;

..... am an active member of a religious or welfare organization assisting servicemen;

..... have been honorably discharged or terminated my service in one of the groups mentioned above within sixty days of this election;

..... am a spouse or dependent of one of the above;

..... am a registered voter in County and moved from that county to County, Missouri, after 5:00 p.m. on the fourth Tuesday prior to this election.

OR (check if applicable)

(2) I am a former resident of Missouri and authorized to vote for federal officers by federal law. I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot,

and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... Subscribed to and sworn before

Signature of Voter me this day of

....., 19.....

.....

.....

Address of Voter Signature of notary or other

officer authorized to

administer oaths

.....

.....

Mailing Address

(if different)

.....

Signature of Person Address of Last Missouri

Assisting Voter Residence

(if applicable) (for persons authorized to vote for federal officers by federal law)

4. The statement for persons voting absentee ballots who are entitled to vote at the election under the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of I, (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

..... absence on election day from the jurisdiction of the election authority in which I am directed to vote;

..... incapacity or confinement due to illness or physical disability;

..... religious belief or practice;

..... employment as an election authority or by an election authority at a location other than my polling place;

..... incarceration, although I have retained all the necessary qualifications of voting.

I hereby state under penalties of perjury that I own property in the district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the

ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

..... Subscribed and sworn to

Signature of Voter before me this

day of, 19

.....

.....

Address Signature of notary or

other officer authorized

to administer oaths

.....

Signature of Person

Assisting Voter

(if applicable)

5. Notwithstanding any other provision of this section, any resident of the state of Missouri who resides outside the boundaries of the United States or who is on active duty with the armed forces of the United States or members of their immediate family living with them or persons who are permanently disabled if they have filed a statement by a physician attesting to their permanent disability which would require the person to vote an absentee ballot with the election authority within the jurisdiction of their residence **or if the person's name is entered on such election authority's list pursuant to section 1 of this act**, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his absentee ballot.

6. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to illness or physical disability.

115.290. Any person registered by mail under the provisions of section 115.159 and voting by absentee ballot shall provide an affidavit subscribed and sworn to as provided in section 115.291 regardless of the cause for requesting such ballot unless the voter is exempt from such requirement under **section 1 of this act** or section 1973ee-3, title 42, United States Code.

115.291. 1. Upon receiving an absentee ballot, the voter shall mark his ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to **the provisions of section 1 of this act** or incapacity or confinement due to illness or physical disability. If the voter is blind, unable to read or write the English language, or physically incapable of voting his ballot, he may be assisted by a person of his own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected.

2. Each absentee ballot shall be returned to the election authority in the ballot envelope and shall only be returned by

the voter in person, by mail or registered carrier or by a team of deputy election authorities.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state."; and

Further amend said bill, page 13, section 115.535, line 6, by inserting immediately after said line the following:

"Section 1. 1. There is hereby established an absentee voting process to assist persons with permanent disabilities in the exercise of their voting rights.

2. The local election authority shall send an application for the absentee voting process set out in this section to any registered voter who resides within the election authority's jurisdiction, upon request. The secretary of state shall promulgate rules in accordance with chapter 536, RSMo, for the form and content of the application.

3. Upon receipt of a properly completed application and a physician's form, pursuant to subsection 4 of this section, the election authority shall enter the registered voter's name on a list of voters qualified to participate as absentee voters pursuant to this section. The election authority may verify the physician's credentials. The board of healing arts, as established in section 334.120, RSMo, shall annually provide the secretary of state with a list of physicians licensed pursuant to chapter 334, RSMo, which the secretary of state shall make available to all election authorities. If the physician is licensed in a state other than Missouri, an affidavit, as defined in subdivision (1) of section 575.010, RSMo, which is signed by the physician and attests to the physician's credentials shall accompany the physician's form.

4. The physician's statement of permanent disability shall be in substantially the following form:

State of

County (City) of I, (print physician's name), (number of physician's license to practice medicine) certify that I am licensed to practice medicine in (state) and that I have determined in my professional, medical opinion that (name of registered voter) of (address of registered voter) has a permanent disability.

*** An affidavit is required from a physician licensed in a state other than Missouri.**

..... (signature of physician)

5. The election authority shall deliver to each voter on the election authority's list pursuant to this section the appropriate absentee voting ballots for that voter's precinct at the appropriate times throughout the year. The method of delivery shall be by bipartisan teams appointed by the election authority to deliver the absentee ballots in person, or by first class, registered or certified mail at the discretion of the election authority."; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Clay offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1157 and 1489, Page 13, Section 113.535, Line 6 by inserting immediately after said line, the following:

"130.016. 1. No candidate for statewide elected office, general assembly, judicial office other than municipal judge,

county office or municipal office in a city with a population of more than ten thousand shall be required to comply with the requirements to file a statement of organization or disclosure reports of contributions and expenditures for any [election] **calendar quarter** in which neither the aggregate of contributions received nor the aggregate of expenditures made on behalf of such candidate exceeds one thousand dollars and no single contributor, other than the candidate, has contributed more than two hundred fifty dollars of the aggregate contributions received, provided that:

(1) The candidate files a sworn exemption statement with the appropriate officer that he does not intend to either receive contributions or make expenditures in the aggregate of more than one thousand dollars or receive contributions from any single contributor, other than himself, that aggregate more than two hundred fifty dollars and that the total of all contributions received or expenditures made by him and all committees or any other person with his knowledge and consent in support of his candidacy will not exceed one thousand dollars and that the aggregate of contributions received from any single contributor will not exceed two hundred fifty dollars. Such exemption statement shall be filed no later than the date set forth in **subdivision (5) of subsection 1 of** section 130.046 [on which a disclosure report would otherwise be required if the candidate does not file the exemption statement]. The exemption statement shall be filed on a form furnished to each appropriate officer by the administrative secretary of the Missouri ethics commission. Each appropriate officer shall make the exemption statement available to candidates and shall direct each candidate's attention to the exemption statement and explain its purpose to the candidate; and

(2) The sworn exemption statement includes a statement that the candidate understands that records of contributions and expenditures must be maintained from the time he first receives contributions or makes expenditures and that an exemption from filing a statement of organization or disclosure reports does not exempt him from other provisions of this chapter.

2. Any candidate who has filed an exemption statement as provided in subsection 1 of this section shall not accept any contribution or make any expenditure in support of his candidacy, either directly or indirectly or by or through any committee or any other person acting with his knowledge and consent, which would cause such contributions or expenditures to exceed the limits specified in subdivision (1) of subsection 1 of this section unless he later rejects the exemption pursuant to the provisions of subsection 3 of this section. Any contribution received in excess of such limits shall be returned to the donor or transmitted to the state treasurer to escheat to the state.

3. If, after filing the exemption statement provided for in this section, the candidate subsequently determines he wishes to exceed any of the limits in subdivision (1) of subsection 1 of this section, he shall file a notice of rejection of the exemption with the appropriate officer; however, such rejection shall not be filed later than the twelfth day before election. A notice of rejection of exemption shall be accompanied by a statement of organization as required by section 130.021 and any other statements and reports which would have been required if the candidate had not filed an exemption statement.

4. [A primary election and the immediately succeeding general election are separate elections, and restrictions on contributions and expenditures set forth in subsection 2 of this section shall apply to each election; however, if a successful primary candidate has correctly filed an exemption statement prior to the primary election and has not filed a notice of rejection prior to the date on which the first disclosure report applicable to the succeeding general election is required to be filed, he shall not be required to file an exemption statement for that general election if the limitations set forth in subsection 1 of this section apply to the succeeding general election.

5.] A candidate who has an existing candidate committee formed for a prior [election] **calendar quarter** for which all statements and reports required by this chapter have been properly filed shall be eligible to file the exemption statement as provided in subsection 1 of this section and shall not be required to file the disclosure reports pertaining to the [election] **calendar quarter** for which he is eligible to file the exemption statement if the candidate and the treasurer of such existing candidate committee continue to comply with the requirements, limitations and restrictions set forth in subsections 1, 2, 3 and 4 of this section. The exemption permitted by this subsection does not exempt a candidate or the treasurer of his existing candidate committee from complying with the requirements of subsections 6 and 7 of section 130.046 applicable to a prior election.

[6.] **5.** No nonpartisan candidate for supreme court, circuit court, or associate circuit court, or candidate for political

party office, or for municipal office in a city of ten thousand or less, or for any special purpose district office shall be required to file an exemption statement under this section in order to be exempted from forming a committee and filing disclosure reports required of committees under this chapter if the aggregate of contributions received or expenditures made by him and any other person with his knowledge and consent in support of his candidacy does not exceed one thousand dollars and the aggregate of contributions from any single contributor does not exceed two hundred fifty dollars. No candidate for any office listed in this subsection shall be excused from complying with the provisions of any section of this chapter, other than the filing of an exemption statement under the conditions specified in this subsection.

[7.] 6. If any candidate for an office listed in subsection 6 of this section exceeds the limits specified therein, the candidate shall form a committee which shall comply with all provisions of this chapter for committees.

130.046. 1. The disclosure reports required by section 130.041, for committees, including political party committees, but other than continuing committees, shall be filed at the following times and for the following periods:

(1) Not later than the fortieth day before an election for the period closing on the forty-fifth day before election; and

(2) Not later than the seventh day before an election for the period closing on the twelfth day before election; and

(3) Not later than the thirtieth day after an election for a period closing on the twenty-fifth day after the election; except that, a successful candidate who takes office prior to the twenty-fifth day after election shall have complied with the reporting requirement of this subdivision if a disclosure report is filed by such candidate and any candidate committee under the candidate's control before such candidate takes office, and such report shall be for the period closing on the day before taking office; [and]

(4) Not later than the twentieth day of April for the period ending the thirty-first of March for a candidate who has filed or a committee which has been formed after the thirty-first day of December of the previous year[.]; **and**

(5) Not later than the fifteenth day of a calendar quarter for that calendar quarter for a candidate who elects to file an exemption statement, pursuant to subsection 1 of section 130.016.

2. In the case of a ballot measure to be qualified to be on the ballot by initiative petition or referendum petition, or a recall petition seeking to remove an incumbent from office, disclosure reports relating to the time for filing such petitions shall be made as follows:

(1) In addition to the disclosure reports required to be filed before and after elections in accordance with subdivisions (1), (2), (3) and (4) of subsection 1 of this section, the treasurer of a committee, other than a continuing committee, supporting or opposing a petition effort to qualify a measure to appear on the ballot or to remove an incumbent from office shall file an initial disclosure report fifteen days after the committee begins the process of raising or spending money. After such initial report, the committee shall file quarterly disclosure reports until such time as the reports required under subdivisions (1), (2), (3) and (4) of subsection 1 of this section are to be filed. In addition the committee shall file a second disclosure report no later than the fifteenth day after the deadline date for submitting such petitions. The period covered in the initial report shall begin on the day the committee first accepted contributions or made expenditures to support or oppose the petition effort for qualification of the measure and shall close on the fifth day prior to the date of the report;

(2) If the measure has qualified to be on the ballot in an election, and if a committee subject to the requirements of subdivision (1) of this subsection is also required to file a preelection disclosure report for that election any time within thirty days after the date on which disclosure reports are required to be filed in accordance with subdivision (1) of this subsection, the treasurer of such committee shall not be required to file the report required by subdivision (1) of this subsection, but shall include in the committee's preelection report all information which would otherwise have been required by subdivision (1) of this subsection.

3. The treasurer of a continuing committee shall file quarterly disclosure reports pursuant to this subsection, except for any calendar quarter in which the contributions received by the continuing committee or the expenditures or contributions made by the continuing committee do not exceed one thousand dollars. The reporting dates and periods

covered for such quarterly reports shall not be later than the fifteenth day of January, April, July and October for periods closing on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June and the thirtieth day of September. Each report by such continuing committees shall be cumulative from the date of the last report. In the case of the continuing committee's first report, the report shall be cumulative from the date of the continuing committee's organization.

4. The reports required to be filed not later than the seventh day before an election and not later than the thirtieth day after an election and any subsequently required reports shall be cumulative so as to reflect the total receipts and disbursements of the reporting committee for the entire election campaign in question. The period covered by each disclosure report shall begin on the day after the closing date of the most recent disclosure report filed and end on the closing date for the period covered. If the committee has not previously filed a disclosure report, the period covered begins on the date the committee was formed, except that in the case of a candidate committee, the period covered begins on the date the candidate became a candidate according to the definition of the term "candidate" in section 130.011.

5. Other provisions of this chapter to the contrary:

(1) Certain disclosure reports pertaining to any candidate who receives nomination in a primary election and thereby seeks election in the immediately succeeding general election shall not be required in the following cases:

(a) If there are less than fifty days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the fortieth day before the general election need not be filed, provided that any other report required to be filed prior to the primary election and all other reports required to be filed not later than the seventh day before the general election are filed no later than the final dates for filing such reports;

(b) If there are less than eighty-five days between a primary election and the immediately succeeding general election, the disclosure report required to be filed not later than the thirtieth day after the primary election need not be filed, provided that any report required to be filed prior to the primary election and any other report required to be filed prior to the general election are filed no later than the final dates for filing such reports; and

(2) No disclosure report need be filed for any reporting period if during that reporting period the committee, including a candidate committee, has neither received contributions aggregating more than one thousand dollars nor made expenditures aggregating more than one thousand dollars and has not received contributions aggregating more than two hundred fifty dollars from any single contributor and if the committee's treasurer files under oath a statement with the appropriate officer that neither the aggregate of contributions received by the committee during that reporting period nor the aggregate expenditures made by the committee during that reporting period exceeded one thousand dollars and the committee did not receive contributions from any one person aggregating more than two hundred fifty dollars during that reporting period. Any contributions received or expenditures made which are not reported because this statement is filed in lieu of a disclosure report must be included in the next disclosure report filed by the committee. This statement shall not be filed in lieu of two or more consecutive disclosure reports if either the contributions received or expenditures made in the aggregate during those reporting periods exceed one thousand dollars and shall not be filed in lieu of the report required to be filed not later than the thirtieth day after an election if that report would show a deficit of more than one thousand dollars.

6. (1) If the disclosure report required to be filed by a committee not later than the thirtieth day after an election shows a deficit of unpaid loans and other outstanding obligations in excess of five thousand dollars, semiannual supplemental disclosure reports shall be filed with the appropriate officer for each succeeding semiannual period until the deficit is reported in a disclosure report as being reduced to five thousand dollars or less, except that a supplemental semiannual report shall not be required for any semiannual period which includes the closing date for the reporting period covered in any regular disclosure report which the committee is required to file in connection with an election. The reporting dates and periods covered for semiannual reports shall be not later than the fifteenth day of January and July for periods closing on the thirty-first day of December and the thirtieth day of June.

(2) Committees required to file reports under subsection 2 or 3 of this section, which are not otherwise required to file disclosure reports for an election, shall file semiannual reports as required by this subsection if their last required

disclosure report shows a total of unpaid loans and other outstanding obligations in excess of five thousand dollars.

7. (1) If a committee, including a candidate committee, during any calendar year, receives contributions or makes expenditures aggregating more than one thousand dollars or receives an aggregate of more than two hundred fifty dollars from any one person, an additional disclosure report shall be filed not later than the fifteenth day of January for the period closing on the preceding thirty-first day of December, except that such disclosure report shall not be required if, within sixty days prior to or following the thirty-first day of December, the committee is required to file any other disclosure report.

(2) Committees required to file reports under subsection 2 of this section, which are not otherwise required to file reports for an election, shall file annual supplemental reports if, after filing the report required by subsection 2 of this section, the committee has additional financial activities during a calendar year in excess of the dollar amounts established by this subsection.

8. In the case of a committee which disbands and is required to file a termination statement under the provisions of section 130.021 with the appropriate officer not later than the tenth day after the committee was dissolved, the committee treasurer shall attach to the termination statement a complete disclosure report for the period closing on the date of dissolution. A committee shall not utilize the provisions of subsection 8 of section 130.021 or the provisions of this subsection to circumvent or otherwise avoid the reporting requirements of subsection 6 or 7 of this section.

9. Disclosure reports shall be filed with the appropriate officer not later than 5:00 p.m. prevailing local time of the day designated for the filing of the report, and a report postmarked not later than midnight of the day previous to the day designated for filing the report shall be deemed to have been filed in a timely manner. The appropriate officer may establish a policy whereby disclosure reports may be filed by facsimile transmission."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted.

Senator McKenna raised the point of order that **SA 7** is out of order in that the amendment goes beyond the scope of the subject matter of the bill.

Senator Quick resumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 7 was again taken up.

Senator Clay moved that the above amendment be adopted.

At the request of Senator Clay, **SA 7** was withdrawn.

Senator Flotron offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 1, Section Title, Line 4 by inserting immediately after "1995," the following: "and section 1 as enacted by the second regular session of the eighty-eighth general assembly in house bill no. 956 on April 25, 1996,"; and

Further amend said title, lines 4-5, by striking "election deadlines" and inserting in lieu thereof the word "elections"; and

Further amend said bill, page 1, section A, line 3, by inserting immediately after "1995," the following: "and section 1 as enacted by the second regular session of the eighty-eighth general assembly in house bill no. 956 on April 25,

1996,"; and

Further amend said bill, page 2, section 57.080, line 24, by inserting immediately after said line, the following:

"72.400. As used in sections 72.400 to 72.418, the following terms mean:

(1) "Boundary change", any annexation, consolidation, incorporation, disincorporation, transfer of jurisdiction between municipalities or between a municipality and the county, or combination thereof, which, if approved, would result in a municipality composed of contiguous territory;

(2) "Commission", a boundary commission established pursuant to this section;

(3) "Contiguousness", territory proposed for annexation in which at least fifteen percent of its boundary is adjacent to the municipality which is proposing the annexation;

(4) "Proposing agent", the governing body of any municipality which by ordinance has adopted a boundary change proposal or the governing body of the county which by ordinance has adopted a boundary change proposal, or a person presenting petitions signed by a number of registered voters equal to not less than fifteen percent of the number of votes cast for governor in the last gubernatorial election in the total combined area affected by the boundary change proposal. Petitions submitted by proposing agents may be submitted with exclusions for the signatures collected in areas originally included in the proposal but subsequently annexed or incorporated separately as a city, town or village, although the commission shall be satisfied as to the sufficiency of the signatures for the final proposed area;

(5) "Simplified boundary change", an annexation initiated by a verified petition signed by seventy-five percent of the residential property owners of all fee interests of record of the area proposed for annexation and filed by the annexing municipality and which the commission determines and finds should be approved without voter approval;

(6) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with boundaries established by the commission for purposes of holding a boundary change election;

(7) "Boundary adjustment", an adjustment of a boundary between two municipalities or a municipality and the unincorporated area of the county involving two parcels in common ownership or portions of a single parcel in common ownership or an adjustment between two municipalities or a municipality and the unincorporated area of the county involving only public property or public rights-of-way.

72.401. 1. If a commission has been established pursuant to section 72.400, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.420, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established, there shall be no incorporation of any new city, town, or village wholly or partially in such county, nor any annexation or consolidation of any area wholly or partially in such county for one hundred twenty days after June 2, 1995, except for the following:

(1) As provided in subsection 3 of this section; or

(2) Where the governing body of the county specifically adopts an ordinance stating that a boundary commission shall not be established in the county, such incorporation, annexation or consolidation may resume after the effective date of the ordinance. Immediately after the expiration of such moratorium, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.420, then annexation, incorporation and consolidation in such county shall proceed only as provided in sections 72.400 to 72.420. The procedures established in section 72.420 shall remain applicable to counties of the first classification where fifty or more cities, towns and villages have been established. The provisions of sections 72.400 to 72.420 shall expire on December 31, 2002, unless the general assembly reauthorizes such provisions prior to December 31, 2002.

3. Notwithstanding any provisions of law to the contrary, any boundary changes approved by voters, simplified boundary changes approved by one hundred percent of the property owners and the governing body of the annexing city, and exchanges of land agreed to by the governing bodies of the jurisdictions involved in the exchange, which have been approved or agreed to prior to June 2, 1995, and which have not yet taken effect at the time of the first meeting of the boundary commission shall not be subject to commission approval.

4. Any proposal for incorporation by petition of at least six thousand registered voters which has been submitted to the governing body of the county under section 72.080 by June 30, 1995, shall not be subject to commission approval, and such boundary changes shall become effective on the date determined by the jurisdictions involved or by court order. Notice of such boundary changes shall be provided to the commission.

5. The commission shall be composed of eleven members as provided in this subsection. No member shall be an elective official, employee or contractor of any political subdivision or of any organization representing political subdivisions or officers or employees of political subdivisions. Each of the appointing authorities described in subdivisions (1) to (5) of this subsection shall appoint persons who shall be residents of their respective locality so described. The appointing authority making the appointments shall be:

(1) The chief elected officials of all municipalities wholly within the county which have a population of more than twenty thousand persons, who shall name the number of members to the commission as prescribed in this subsection;

(2) The chief elected officials of all municipalities wholly within the county which have a population of twenty thousand or less but more than ten thousand persons, who shall name the number of members to the commission as prescribed in this subsection;

(3) The chief elected officials of all municipalities wholly within the county which have a population of ten thousand persons or less, who shall name the number of members to the commission as prescribed in this subsection;

(4) Each member of the county council of the three county council districts with the largest number of residents residing within the unincorporated area of the county, who shall each be allowed to nominate one member of the commission in the manner prescribed in this subdivision. Each such county council member shall submit a list of two residents of the unincorporated area of such member's district to the county executive, and the county executive shall select one person from each list so submitted to be a member of the commission. If a list is not submitted to the county executive by the times prescribed in subsection 6 of this section, the county executive shall name a person to be a member of the commission; and

(5) The county executive of the county, who shall name two of the members of the commission from the unincorporated area of the county. The seat of a commissioner shall be automatically vacated when the commissioner ceases to be a resident member of the appointing group. The vacancy shall be filled according to subsection 7 of this section. Each appointing authority described in subdivisions (1) to (3) of this subsection shall appoint a member for every sixteen and two-thirds percent, rounded up or down to the nearest sixteen and two-thirds percent, of the population of the county which resides in the municipalities described in such subdivisions. In the event that rounding would result in more than six members from the three municipal appointing authorities, then rounding up shall not apply to the appointing authority farthest from the next higher sixteen and two-thirds percent. Percentages and populations shall be calculated according to the last federal decennial census. They shall be calculated as of June 30, 1995.

6. Upon the passage of an ordinance by the governing body of the county establishing a boundary commission, the governing body of the county shall, within ten days, send by United States mail written notice of the passage of the ordinance to the chief elected official of each municipality wholly or partly in the county. Each of the appointing authorities described in subdivisions (1) to (3) of subsection 5 of this section shall meet within thirty days of the passage of the ordinance establishing the commission to compile its list of appointees. Each list shall be delivered to the county executive within forty-one days of the passage of such ordinance. The county executive shall appoint members representing the unincorporated areas of the county within forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the county executive shall appoint the members using the criteria of subsection 5 of this section before the sixtieth day from the passage of the ordinance. On the sixty-first day from the passage of such ordinance, the commission shall begin to exercise the powers and duties assigned to it by sections 72.400 to 72.418. At

the first meeting of the commission, the commissioners shall choose by lot the length of their terms. Three shall serve for one year, two for two years, two for three years, two for four years, and two for five years. All succeeding commissioners shall serve for five years. Terms shall end on December thirty-first of the respective year. No commissioner shall serve more than two consecutive full terms. Full terms shall include any term longer than two years.

7. When a member's term expires, or if a member is for any reason unable to complete his term, the respective appointing authority shall appoint such member's successor. The appointee shall be determined by the appointing authority from whose list the outgoing member was appointed. Each appointing authority shall act to ensure that each appointee is secured accurately and in a timely manner, when a member's term expires or as soon as possible when a member is unable to complete his term. A member whose term has expired shall continue to serve until his successor is appointed and qualified.

8. The commission, its employees and subcontractors shall be subject to the regulation of conflicts of interest as defined in sections 105.450 to 105.498, RSMo, and to the requirements for open meetings and records under chapter 610, RSMo.

9. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved by the property owners and the governing bodies of the affected municipalities or the county, if involved, shall not be subject to commission review.; and

Further amend said bill, page 13, section 115.535, line 6, by inserting immediately after said line, the following:

[Section 1. 1. The boundary commission of any county of the first classification with a charter form of government and a population greater than nine thousand may grant any petition for annexation submitted by a single property owner whose continuous tract of property lies in two adjacent municipalities so long as the following conditions are met:

(1) All of the property that is the subject of the annexation petition is owned by the petitioner;

(2) The petitioner's residence is located on the portion of property that is within the incorporated limits of the annexing municipality.

2. Such petition shall be handled pursuant to the simplified boundary change as provided in subdivision (4) of subsection 1 of section 72.400, RSMo, and shall not require a public vote.]; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins assumed the Chair.

Senator Banks offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 13, Section 115.535, Line 6, by inserting immediately after said line one new section to read as follows:

"Section 1. Other provisions of the law to the contrary notwithstanding, persons running for or serving as a county committee member for a political party pursuant to section 115.609 RSMo, may consolidate all campaign disclosure filings with the committee member's ward organization, provided however, that all limits and restrictions applicable to candidates shall still apply and any consolidated report shall clearly identify the amount and source of any and all funds received or spent on behalf of the committeeman or committeewoman of the ward."; and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion prevailed.

Senator Banks offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 13, Section 115.535, Line 6, by inserting immediately after said line, the following:

"Section 1. 1. Any person employed by a city not within a county shall first be recommended by the committeeman and committeewoman of such person's ward.

2. Such employees shall serve for a period of six months, upon which time and every six months thereafter such employees shall again be subject to subsection 1 of this section or shall be terminated from employment.";
and

Further amend the title and enacting clause accordingly.

Senator Banks moved that the above amendment be adopted, which motion failed on a standing division vote.

Senators Schneider and Maxwell offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489 Page 1, Section Title, Line 4-5 by striking "election deadlines" and inserting in lieu thereof the word "elections"; and

Further amend said bill, page 8, section 115.127, line 76, by inserting immediately after said line the following:

"115.157. The election authority may place all information on any registration cards in computerized form in accordance with subsection 2 of section 115.158. No election authority or secretary of state shall furnish to any member of the public a tape or printout showing any registration information, except as provided in this section. The election authority or secretary of state shall make available tapes, printouts and mailing labels showing **unique voter identification numbers**, voters' names, dates of birth, addresses, townships or wards, and precincts for a reasonable fee determined by the secretary of state. **Electronic data shall be maintained in at least the following separate fields:**

(1) Voter identification number;

(2) First name;

(3) Middle initial;

(4) Last name;

(5) Suffix;

(6) Street number;

(7) Street direction;

(8) Street name;

(9) Street suffix;

(10) Apartment number;

(11) City;

(12) State;

(13) Zip code;

(14) Township;

(15) Ward;

(16) Precinct;

(17) Senatorial district;

(18) Representative district;

(19) Congressional district.

Mailing labels shall include a unique voter identification number for each name. All revenues collected by the secretary of state as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The election authority shall also furnish, for a reasonable fee, a printout, mailing labels or other record showing the names, dates of birth and addresses of voters, or any part thereof, within the jurisdiction of the election authority who voted in any specific election, including primary elections, by township, ward or precinct, provided that the election authority enters such data into the computer database. **The amount of fees charged for information provided in this section shall be established by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo.** Each election authority that has registration records in computerized form shall have printed in even-numbered years a copy of the voter registration list for its jurisdiction. One copy of the computerized printout, if available, shall be supplied to all candidates and party committees upon request for a reasonable charge. **Any election authority who has a computerized registration system and who, as of the effective date of this act, has all or any part of the information contained in subdivisions (1) to (19) of this section within the computerized registration system, shall make that information available, pursuant to chapter 610, RSMo, for use in the 1996 general election, and all subsequent elections. Any election authority who has a computerized registration system but who does not have such information within the computerized registration system on the effective date of this act, shall make such information available for use in all elections following the 1996 general election. Any election authority who fails to comply with the requirements of this section shall be subject to the provisions of chapter 610, RSMo.**

115.158. 1. On or before July 1, 1996, the secretary of state may begin to procure and develop an electronic data processing system and programs capable of maintaining a centralized database of all registered voters in the state. This system shall be known as the "Centralized Voter Registration System". In addition to maintaining a centralized voter registration database, the election authorities and secretary of state may use the system for the collection and dissemination of election results and other pertinent information. Any information contained in any state or local voter registration system, limited to the master voter registration list or any other list generated from the information, subject to chapter 610, RSMo, shall not be used for commercial purposes; provided, however, that the information can be used for elections, for candidates, or for ballot measures, furnished at a reasonable fee. **The amount of fees charged for information provided in this section shall be established by rules promulgated by the office of the secretary of state, which shall be subject to the rulemaking provisions of chapter 536, RSMo.** Violation of this section shall be a class B misdemeanor.

2. The secretary of state may adopt rules and regulations necessary to administer the system required in subsection 1. The rules and regulations must at least:

(1) Provide for voters to submit their registration to those offices and agencies authorized in this chapter and the

National Voter Registration Act of 1993;

- (2) Provide for the establishment and maintenance of a centralized database for all voter registration information;
- (3) Provide procedures for entering data into the centralized database;
- (4) Provide for the interaction with other state agencies and departments to facilitate voter registration;
- (5) Allow election authorities and the secretary of state to add, modify, and delete information from the system to provide for accurate and up-to-date information;
- (6) Allow election authorities and the secretary of state access to the centralized database for review and search capabilities;
- (7) Provide security and protection of all information in the centralized database and monitor the centralized database to ensure unauthorized entry is not allowed;
- (8) Provide a system for each election authority to identify the precinct to which a voter should be assigned for voting purposes;
- (9) Provide a procedure for phasing in or converting existing manual and computerized voter registration systems to the centralized voter registration system; and
- (10) Provide a procedure for transferring data from election authorities' existing computerized voter registration systems located in first class counties to the centralized voter registration system.

3. The secretary of state shall be responsible for the implementation and maintenance of the centralized voter registration system.

4. The secretary of state shall by rule and regulation establish an advisory committee to assist in the establishment and maintenance of a centralized voter registration system."; and

Further amend said bill, page 13, section 115.535, line 7, by inserting immediately after said line, the following:

"Section 1. 1. In order for candidates for election and public officials to more easily file reports required by law and to access information contained in such reports, and for the Missouri ethics commission to receive and store reports in an efficient and economical method, and for the general public and news media to access information contained in such reports, the commission shall establish and maintain an electronic reporting system pursuant to this section.

2. By July 1, 1998, the Missouri ethics commission shall establish and maintain an electronic reporting system pursuant to this section to record and store information from all reports required to be filed with the commission including monthly lobbying reports filed by law, provided that the system need accommodate campaign finance reports relating only to all candidates for the house of representatives, the senate, attorney general, state auditor, state treasurer, secretary of state, lieutenant governor, and governor. The system shall be used for the collection, filing and dissemination of all reports filed with the commission. All reports received on and after July 1, 1998, shall be maintained and stored in an electronic format by the commission.

3. Beginning July 1, 1998, persons may file reports in an electronic format as prescribed by the commission or may file such reports in a paper format and include payment with the report to cover the commission's cost of converting the paper report to an electronic format. The cost shall be set by the commission but shall not exceed five dollars for the initial page and one dollar for each subsequent page. The commission shall determine the electronic format in which data is to be furnished.

4. The commission shall prepare a proposal detailing the requirements of the electronic reporting system and

may contract with the lowest and best bidder in the manner prescribed by law for awarding contracts to acquire the system. The electronic system reporting shall provide for the manner of access, including appropriate security requirements, to reports stored within the electronic access system developed pursuant to this section and the manner of recording the names of those individuals accessing such electronic access system.

5. A copy of all reports filed in the electronic reporting system shall be available on an electronic access system so that members of the general public may obtain copies of reports filed pursuant to this section. The access system shall be organized and maintained in such a manner to allow an individual to obtain information concerning all contributions made to or on behalf of, and all expenditures made on behalf of, any public official described in subsection 2 of this section in formats that will include both written and electronically readable formats.", and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, Page 1, In the Title, Lines 4-5, by striking the words "election deadlines" and inserting in lieu thereof the word "elections"; and

Further amend said bill, page 4, section 115.123, line 1, by inserting immediately before said line, the following:

"[105.965. 1. Any person who contributes or causes to be contributed, directly or indirectly, during the term of office and two years prior thereto, the sum of three thousand dollars or more in the aggregate to any statewide elected official shall disclose to the commission within thirty days after initially contacting the executive branch of government or any elected or appointed official, employee, department, division, agency or board or commission of the executive branch, any contact made for the purpose of attempting to influence a decision of a nonadversarial nature which results in financial gain for the contributor. Such disclosure shall include the following:

- (1) The amount of such contribution and to whom the contribution was made;
- (2) The person, persons or entity represented by such person; and
- (3) The department, division, agency, board, commission or entity contacted.

2. Any person who violates the provisions of this section shall be guilty of an infraction.]"

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator McKenna moved that **SCS for HCS for HBs 1557 and 1489**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SCS for HCS for HBs 1557 and 1489**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Goode	Mueller--2
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Absent with leave--Senator House--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senator House--1

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Quick moved that **HB 1432**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Quick offered **SS** for **HB 1432**, entitled:

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1432

An Act to repeal sections 408.110, 443.130, 456.500, 456.520, 456.600 and 473.787, RSMo 1994, and section 361.160, RSMo Supp. 1995, relating to financial transactions, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause for a certain section.

Senator Quick moved that **SS** for **HB 1432** be adopted, which motion prevailed.

On motion of Senator Quick, **SS** for **HB 1432** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Schneider--2
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Absent with leave--Senator House--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller

Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	McKenna--2
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Absent with leave--Senator House--1

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Staples moved that **SCS** for **SB 719**, as amended, with **HA 1** and **HA 2**, be taken up for 3rd reading and final passage, which motion prevailed.

HA 1 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls	Quick--2
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Absent with leave--Senator House--1

HA 2 was taken up.

Senator Staples moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator Rohrbach--1

Absent--Senators

Curls	Ehlmann	Quick--3
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Absent with leave--Senator House--1

On motion of Senator Staples, **SCS** for **SB 719**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Flotron	Goode	Graves
Howard	Johnson	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Ehlmann	Kenney	Rohrbach--3
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Absent--Senators

Curls	Quick--2
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The President declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Flotron, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for HB 781**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 781

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Committee Substitute for House Bill No. 781, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for House Bill No. 781 and House Perfecting Amendment No. 1 to Senate Amendment No. 1 to House Committee Substitute for House Bill No. 781;
2. That the Senate recede from its position on House Committee Substitute for House Bill No. 781 with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Lana Stokan (76)

/s/ Ted House /s/ Deleta Williams (121)

/s/ Harold L. Caskey /s/ Jim Sears

/s/ Franc Flotron /s/ Dale Whiteside

/s/ Roseann Bentley /s/ Emmy McClelland

Senator Flotron moved that the above conference committee report be adopted.

Senator Kenney raised the point of order that the conference committee report is out of order in that it exceeds the differences on pages 8 and 9 without authorization.

The President Pro Tem took the point of order under advisement.

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on

HS for **SB 757**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR
HOUSE SUBSTITUTE FOR
SENATE BILL NO. 757

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 757, with House Amendments Nos. 1, 2, 3 and Part I of House Amendment No. 4 as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on House Substitute for Senate Bill No. 757 as amended;
- 2. That the attached House Substitute for Senate Bill No. 757 with House Amendments Nos. 1, 2, 3, Part I of House Amendment No. 4 as amended and Conference Committee Amendment No. 1 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Maxwell /s/ Jim Sears
/s/ J. T. Howard /s/ Sam Leake
/s/ Mike Lybyer /s/ Gary Wiggins
/s/ Morris Westfall /s/ Don Summers
/s/ John T. Russell /s/ Jim Howerton

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 757, Page 1, In the Title, Line 4, by inserting immediately after "1994," the following: "and section 644.031, RSMo Supp. 1995,"; and further amend lines 4-5, by striking the words "joint municipal utility commissions" and inserting in lieu thereof the following: "water pollution control"; and further amend line 6, by striking the word "thirteen" and inserting in lieu thereof the word "fourteen"; and

Further amend said bill, page 1, section A, line 5 of said section, by striking "644.506," from said line.

Senator Maxwell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Ehlmann	Flotron	Goode	Graves
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Mueller	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Curls DePasco Moseley Quick
Staples--5

Absent with leave--Senator House--1

On motion of Senator Maxwell, **HS** for **SB 757**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks Bentley Caskey Clay
Ehlmann Flotron Goode Graves
Howard Johnson Kenney Kinder
Klarich Lybyer Mathewson Maxwell
McKenna Melton Moseley Mueller
Rohrbach Russell Schneider Scott
Sims Singleton Treppler Westfall
Wiggins--29

Nays--Senators--None

Absent--Senators

Curls DePasco Quick Staples--4

Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCR 13** and has again taken up and adopted **HCR 13**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 858**, as amended, and has taken up and passed **SB 858**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 572**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House request the Senate grant further conference on Conference Committee Report No. 2 on **HCS** for **HB 991** and the conferees be allowed to exceed the differences on **SA 7**.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 572**, as amended: Senators Moseley, Johnson, House, Bentley and Westfall.

President Pro Tem Mathewson ruled the point of order on the conference committee report on **HCS** for **HB 781**, as amended, not well taken.

Senator Flotron moved that the conference committee report on **HCS** for **HB 781**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Howard	Kenney	Kinder	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators

Graves	Klarich--2
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Absent--Senators

DePasco	Johnson	McKenna	Schneider--4
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Absent with leave--Senator House--1

On motion of Senator Flotron, **CCS** for **HCS** for **HB 781**, entitled:

An Act to repeal section 198.067, RSMo, 1994, relating to nursing facilities, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--29

Nays--Senator Graves--1

Absent--Senators

DePasco	Maxwell	Schneider--3
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Absent with leave--Senator House--1

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Staples moved that the Senate grant the House further conference on **HCS** for **HB 991**, as amended, and that the conferees be allowed to exceed the differences on **SA 7** only, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Lybyer moved that **HS** for **HCS** for **HB 1172**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Goode offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1172, Page 5, Section 143.161, Line 19, by inserting immediately after said line, the following:

"144.022. To comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution, the governor shall require the director of revenue to suspend collection of a portion of the state sales and use tax. The portion so suspended shall be in an amount to accomplish the purpose as set forth in this section, and shall be up to, but not in excess of, three percent of the purchase price paid or charged for food sold at retail businesses. For the purposes of this section, the term "food" shall include only those articles of food which are authorized under the federal food stamp program to be redeemable for food stamps. For any fiscal year in which the commissioner of administration certifies that total state revenues are reasonably projected to be in excess of the limitation established in sections 16 and 18 of article X of the Missouri constitution, the governor, by executive order, shall direct and specify the amount of sales and use tax collections which the director shall suspend. Other laws to the contrary notwithstanding, the director of revenue shall suspend collection of the amount directed by an executive order issued pursuant to this section. The tax collected on transactions shall be proportionately reduced during the period the executive order issued pursuant to this section is in effect. Any suspension in the state sales and use tax collections shall continue for the period deemed necessary in the executive order to comply with the limitations established in sections 16 and 18 of article X of the Missouri constitution or until the general assembly passes a concurrent resolution to the contrary, but shall not extend past the fiscal year for which the executive order was issued."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Flotron offered SA 1 to SA 2, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1172, Page 2, Section 144.022, Line 4 of said page, by inserting immediately after said line the following:

"Section 1. The resumption of collection of any tax suspended or otherwise adjusted pursuant to this act shall be subject to article X, section 18(e) of the Missouri Constitution."; and

Further amend the title and enacting clause accordingly.

Senator Flotron moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Ehlmann offered SA 2 to SA 2, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1172, Page 2, Section 143.161, Line 5, by inserting after said line the following: "should any court of competent jurisdiction hold this section to be unconstitutional, then the state sales tax on food shall be totally eliminated."

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, **SA 2** to **SA 2** was withdrawn.

SA 2 was again taken up.

Senator Goode moved that the above amendment be adopted.

Senator Melton requested a roll call vote be taken and was joined in his request by Senators Mueller, Rohrbach, Sims and Westfall.

SA 2 failed of adoption by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
Goode	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Wiggins--13			

Nays--Senators

Bentley	DePasco	Ehlmann	Flotron
Graves	Howard	Kenney	Kinder
Klarich	Melton	Mueller	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall--19	

Absent--Senators--None

Absent with leave--Senators

House	Scott--2
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Senator Lybyer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1172, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with an emergency clause"; and

Further amend said bill, page 5, section 143.161, line 19, by inserting immediately after said line, the following:

"144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. **Except as provided in subsection 3 of this section**, the rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, a tax equivalent to [four] **three and three-**

fourths percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to [four] **three and three-fourths** percent of the consideration paid or charged, including the fair market value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to [four] **three and three-fourths** percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to [four] **three and three-fourths** percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to [four] **three and three-fourths** percent on the basic rate paid or charged on all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telephone subscribers or others, pursuant to section 144.060, shall not be considered as amounts paid for communication or telephone services or equipment;

(5) A tax equivalent to [four] **three and three-fourths** percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to [four] **three and three-fourths** percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to [four] **three and three-fourths** percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the transportation division of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to [four] **three and three-fourths** percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 and the tax was paid at the time of purchase, the lessor or renter shall not apply or collect the tax on the subsequent lease or rental receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440, and no such tax shall then be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.510 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. Beginning July 1, 1999, the rate of tax imposed under subsection 1 of this section shall return to the rate equivalent to four percent of the amount paid, charged or exchanged.

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020. The primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at [four] **three and three-**

fourths percent of their gross receipts. **However, beginning July 1, 1999, the tax rate under this section shall return to four percent of gross receipts.**

144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to [four] **three and three-fourths** percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. **However, beginning July 1, 1999, the tax rate under this section shall return to four percent of the purchase price.**

2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

6. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to the use tax, regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

7. The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

Section 1. The provisions of section 144.190, RSMo, to the contrary notwithstanding, no refund or credit of sales or use tax erroneously collected and remitted by the person legally obligated to remit the tax shall be allowed under the provisions of section 144.190, RSMo, unless the person legally obligated to remit the tax demonstrates to the director of revenue's satisfaction that all erroneously collected amounts have been refunded directly to the persons that originally paid the tax or the person legally obligated to remit the tax proves to the director of revenue's satisfaction that the tax originally reported and remitted to the director was not collected from purchasers but was paid by the person. This section shall apply to all refund applications received after the effective date of this act.

Section B. Because of the need to reduce state revenues, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 1 of this act shall be in full force and effect upon its passage and approval; and sections 144.020, 144.021 and 144.440 shall be in full force and effect upon its passage and approval or on July 1, 1996, whichever is later."; and

Further amend the title and enacting clause accordingly.

Senator Lybyer moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 1

FOR SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1172, Page 1, In the Title, Lines 2-4, by striking all of said lines and inserting in lieu thereof the following: "To repeal sections 143.111, 143.124, 143.161, 144.020, 144.021 and 144.440, RSMo 1994, relating to taxation, and to enact in lieu thereof eleven new sections relating to the same subject, with an emergency clause and an effective date."; and

Further amend said bill, page 1, section A, lines 1-3, by striking all of said lines and inserting in lieu thereof the following:

"Section A. Sections 143.111, 143.124, 143.161, 144.020, 144.021 and 144.440, RSMo 1994, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 143.111, 143.122, 143.124, 143.161, 144.020, 144.021, 144.022, 144.440, 1, 2 and 3, to read as follows:"; and

Further amend said bill, pages 1-5, section 143.124, by striking all of said section; and

Further amend said bill, page 5, section 143.161, by striking all of said section and inserting in lieu thereof the following:

"143.111. The Missouri taxable income of a resident shall be his Missouri adjusted gross income less:

(1) either[:] the Missouri standard deduction or the Missouri itemized deduction[.];

(2) the Missouri deduction for personal exemptions[.];

(3) the Missouri deduction for dependency exemptions[.];

(4) the deduction for federal income taxes provided in section 143.171; **and**

(5) a deduction for school expenses including tuition and attendance fees and direct expenses including but not limited to administrative fees and necessary supplies provided in section 143.122.

143.122. In addition to the amounts to be subtracted from his federal adjusted gross income to determine his Missouri adjusted gross income under the provisions of section 143.121, there shall be subtracted the amount the taxpayer has paid to others for each student in grades nine through twelve, for tuition or attendance fees and direct expenses including but not limited to administrative fees and necessary supplies for or on behalf of any student attending an accredited public or private secondary school situated in Missouri that is accredited by the Missouri department of elementary and secondary education or by an accrediting agency recognized by the United States Department of Education, up to a maximum of two thousand dollars for tuition or attendance fees and five hundred dollars for direct expenses for each student.

143.124. 1. **Notwithstanding** other provisions of law to the contrary [notwithstanding], the total amount of all annuities, pensions, or retirement allowances above the amount of six thousand dollars annually provided by any law of this state, the United States, or any other state to any person, except as provided in subsection [4] **5** of this section, shall be subject to tax under the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it. For purposes of this section, annuity, pension, or retirement allowance shall be defined as an annuity, pension or retirement allowance provided by the United States, this state, any other state or any political subdivision or agency or institution of this or any other state **or an annuity, pension or retirement allowance provided by any privately funded source.**

2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be subtracted from Missouri adjusted gross income for that period, determined pursuant to section 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

- (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and his Missouri adjusted gross income is less than twelve thousand five hundred dollars; or
- (2) If the taxpayers' filing status is married filing combined and their combined Missouri adjusted gross income is less than sixteen thousand dollars; or
- (3) If the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than eight thousand dollars.

3. For the tax years beginning on or after January 1, 1990, there shall be subtracted from Missouri adjusted gross income, determined pursuant to section 143.121, the first six thousand dollars of retirement benefits received by each taxpayer:

- (1) If the taxpayer's filing status is single, head of household or qualifying [widow(er)] **widow or widower** and [his] **the taxpayer's** Missouri adjusted gross income is less than twenty-five thousand dollars; or
- (2) If the taxpayers' filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or
- (3) If the taxpayer's filing status is married filing separately and [his] **the taxpayer's** Missouri adjusted gross income is less than sixteen thousand dollars.

4. (1) Notwithstanding other provisions of law to the contrary, the total amount of all annuities, pensions or retirement allowances above the amount of six thousand dollars provided to any person through any privately funded annuity, pension or retirement allowance except as provided in subsection 5 of this section, shall be subject to tax under the provisions of this chapter, in the same manner, to the same extent and under the same conditions as any other taxable income received by the person receiving it, as phased in under this subsection.

(2) For the period beginning January 1, 1997 and ending December 31, 1997 the first two thousand dollars of retirement benefits received by each taxpayer through any privately funded annuity, pension or retirement allowance shall be subtracted from Missouri adjusted gross income:

- (a) If the taxpayer's filing status is single, head of household or qualifying widow or widower and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or**
- (b) If the taxpayers' filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or**
- (c) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.**

(3) For the period beginning January 1, 1998 and ending December 31, 1998 the first four thousand dollars of retirement benefits received by each taxpayer through any privately funded annuity, pension or retirement allowance shall be subtracted from Missouri adjusted gross income:

- (a) If the taxpayer's filing status is single, head of household or qualifying widow or widower and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or**
- (b) If the taxpayers' filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or**

(c) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

(4) For all tax years beginning on or after January 1, 1999, the first six thousand dollars of retirement benefits received by each taxpayer through any privately funded annuity, pension or retirement allowance shall be subtracted from Missouri adjusted gross income:

(a) If the taxpayer's filing status is single, head of household or qualifying widow or widower and the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

(b) If the taxpayers' filing status is married filing combined and their combined Missouri adjusted gross income is less than thirty-two thousand dollars; or

(c) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri adjusted gross income is less than sixteen thousand dollars.

[4.] **5.** To determine the maximum Missouri adjusted gross income limits referenced in this section, any social security benefits included in Missouri adjusted gross income shall be subtracted. But social security benefits shall not be subtracted for purposes of other computations under this chapter, and are not to be considered as retirement benefits for purposes of this section.

[5.] **6.** The provisions of subdivisions (1) and (2) of [subsection 3] **subsections 3 and 4** of this section shall apply during all tax years in which the federal Internal Revenue Code provides exemption levels for calculation of the taxability of social security benefits that are the same as the levels in subdivisions (1) and (2) of [subsection 3] **subsections 3 and 4** of this section. If the exemption levels for the calculation of the taxability of social security benefits are adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2) of [subsection 3] **subsections 3 and 4** of this section shall be accordingly adjusted to the same exemption levels.

[6.] **7.** For each tax year beginning on or after January 1, 1990, the portion of a taxpayer's lump sum distribution from an annuity or other retirement plan not otherwise included in Missouri adjusted gross income as calculated under this chapter, but subject to taxation under Internal Revenue Code section 402 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such distribution for the same tax year.

[7.] **8.** The exemptions provided for in this section shall not affect the calculation of the income to be used to determine the property tax credit provided in sections 135.010 to 135.035, RSMo.

[8. The provisions of this section shall apply to all other annuities, pensions and retirement allowances as subsequently defined and provided by law for tax years beginning on or after January 1, 1991.]

143.161. 1. **For all tax years beginning before January 1, 1997**, a resident may deduct four hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. For all tax years beginning on or after January 1, 1997, a resident may deduct six hundred dollars for each dependent for whom he is entitled to a dependency exemption deduction for federal income tax purposes.

2. A resident who qualifies as an unmarried head of household or as a surviving spouse for federal income tax purposes may deduct an additional eight hundred dollars.

144.020. 1. A tax is hereby levied and imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state. **Except as provided in subsection 3 of this section**, the rate of tax shall be as follows:

(1) Upon every retail sale in this state of tangible personal property, a tax equivalent to [four] **three and seven-eighths** percent of the purchase price paid or charged, or in case such sale involves the exchange of property, a tax equivalent to [four] **three and seven-eighths** percent of the consideration paid or charged, including the fair market

value of the property exchanged at the time and place of the exchange, except as otherwise provided in section 144.025;

(2) A tax equivalent to [four] **three and seven-eighths** percent of the amount paid for admission and seating accommodations, or fees paid to, or in any place of amusement, entertainment or recreation, games and athletic events;

(3) A tax equivalent to [four] **three and seven-eighths** percent of the basic rate paid or charged on all sales of electricity or electrical current, water and gas, natural or artificial, to domestic, commercial or industrial consumers;

(4) A tax equivalent to [four] **three and seven-eighths** percent on the basic rate paid or charged on all sales of service to telephone subscribers and to others through equipment of telephone subscribers for the transmission of messages and conversations, both local and long distance, and upon the sale, rental or leasing of all equipment or services pertaining or incidental thereto; except that, the payment made by telephone subscribers or others, pursuant to section 144.060, shall not be considered as amounts paid for communication or telephone services or equipment;

(5) A tax equivalent to [four] **three and seven-eighths** percent of the basic rate paid or charged for all sales of services for transmission of messages of telegraph companies;

(6) A tax equivalent to [four] **three and seven-eighths** percent on the amount of sales or charges for all rooms, meals and drinks furnished at any hotel, motel, tavern, inn, restaurant, eating house, drugstore, dining car, tourist cabin, tourist camp or other place in which rooms, meals or drinks are regularly served to the public;

(7) A tax equivalent to [four] **three and seven-eighths** percent of the amount paid or charged for intrastate tickets by every person operating a railroad, sleeping car, dining car, express car, boat, airplane and such buses and trucks as are licensed by the transportation division of the department of economic development of Missouri, engaged in the transportation of persons for hire;

(8) A tax equivalent to [four] **three and seven-eighths** percent of the amount paid or charged for rental or lease of tangible personal property, provided that if the lessor or renter of any tangible personal property had previously purchased the property under the conditions of "sale at retail" as defined in subdivision (8) of section 144.010 and the tax was paid at the time of purchase, the lessor or renter shall not apply or collect the tax on the subsequent lease or rental receipts from that property. The purchase or use of motor vehicles, trailers, boats, and outboard motors shall be taxed and the tax paid as provided in sections 144.070 and 144.440, and no such tax shall then be collected on the rental or lease of motor vehicles, trailers, boats, and outboard motors, except as provided in sections 144.070 and 144.440. In no event shall the rental or lease of boats and outboard motors be considered a sale, charge, or fee to, for or in places of amusement, entertainment or recreation nor shall any such rental or lease be subject to any tax imposed to, for, or in such places of amusement, entertainment or recreation. Rental and leased boats or outboard motors shall be taxed under the provisions of the sales tax laws as provided under such laws for motor vehicles and trailers. Tangible personal property which is exempt from the sales or use tax under section 144.030 upon a sale thereof is likewise exempt from the sales or use tax upon the lease or rental thereof.

2. All tickets sold which are sold under the provisions of sections 144.010 to 144.510 which are subject to the sales tax shall have printed, stamped or otherwise endorsed thereon, the words "This ticket is subject to a sales tax."

3. Beginning January 1, 1997 the rate of tax imposed under subsection 1 of this section shall return to the rate equivalent to four percent of the amount paid, charged or exchanged.

144.021. The purpose and intent of sections 144.010 to 144.510 is to impose a tax upon the privilege of engaging in the business, in this state, of selling tangible personal property and those services listed in section 144.020. The primary tax burden is placed upon the seller making the taxable sales of property or service and is levied at the rate provided for in section 144.020. Excluding sections 144.070, 144.440 and 144.450, the extent to which a seller is required to collect the tax from the purchaser of the taxable property or service is governed by section 144.285 and in no way affects sections 144.080 and 144.100, which require all sellers to report to the director of revenue their "gross receipts", defined herein to mean the aggregate amount of the sales price of all sales at retail, and remit tax at [four] **three and seven-eighths** percent of their gross receipts. **However, beginning January 1, 1997, the tax rate under this section shall return to four percent of gross receipts.**

144.440. 1. In addition to all other taxes now or hereafter levied and imposed upon every person for the privilege of using the highways or waterways of this state, there is hereby levied and imposed a tax equivalent to [four] **three and seven-eighths** percent of the purchase price, as defined in section 144.070, which is paid or charged on new and used motor vehicles, trailers, boats, and outboard motors purchased or acquired for use on the highways or waters of this state which are required to be registered under the laws of the state of Missouri. **However, beginning January 1, 1997, the tax rate under this section shall return to four percent of the purchase price.**

2. At the time the owner of any such motor vehicle, trailer, boat, or outboard motor makes application to the director of revenue for an official certificate of title and the registration of the same as otherwise provided by law, he shall present to the director of revenue evidence satisfactory to the director showing the purchase price paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that the motor vehicle, trailer, boat, or outboard motor is not subject to the tax herein provided and, if the motor vehicle, trailer, boat, or outboard motor is subject to the tax herein provided, the applicant shall pay or cause to be paid to the director of revenue the tax provided herein.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisalment by the director.

4. No certificate of title shall be issued for such motor vehicle, trailer, boat, or outboard motor unless the tax for the privilege of using the highways or waters of this state has been paid or the vehicle, trailer, boat, or outboard motor is registered under the provisions of subsection 5 of this section.

5. The owner of any motor vehicle, trailer, boat, or outboard motor which is to be used exclusively for rental or lease purposes may pay the tax due thereon required in section 144.020 at the time of registration or in lieu thereof may pay a use tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A use tax shall be charged and paid on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in the state. If the owner elects to pay upon each rental or lease, he shall make an affidavit to that effect in such form as the director of revenue shall require and shall remit the tax due at such times as the director of revenue shall require.

6. In the event that any leasing company which rents or leases motor vehicles, trailers, boats, or outboard motors elects to collect a use tax, all of its lease receipt would be subject to the use tax, regardless of whether or not the leasing company previously paid a sales tax when the vehicle, trailer, boat, or outboard motor was originally purchased.

7. The provisions of this section, and the tax imposed by this section, shall not apply to manufactured homes.

Section 1. 1. As used in this section, the following terms shall mean:

(1) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions

of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable year is at least one hundred dollars.

5. The director of the department of health shall determine, at least annually, which facilities in this state may be classified as maternity homes. The director of the department of health may require of a facility seeking to be classified as a maternity home whatever information is reasonably necessary to make such a determination. The director of the department of health shall classify a facility as a maternity home if such facility meets the definition set forth in subsection 1 of this section.

6. The director of the department of health shall establish a procedure by which a taxpayer can determine if a facility has been classified as a maternity home, and by which such taxpayer can then contribute to such maternity home and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to maternity homes in any one fiscal year shall not exceed one million dollars.

7. The director of the department of health shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of the department of health, the cumulative amount of tax credits are equally apportioned among all facilities classified as maternity homes. If a maternity home fails to use all, or some percentage to be determined by the director of the department of health, of its apportioned tax credits during this predetermined period of time, the director of the department of health may reapportion these unused tax credits to those maternity homes that have used all, or some percentage to be determined by the director of the department of health, of their apportioned tax credits during this predetermined period of time. The director of the department of health may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of health shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of the department of health shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section 2. 1. For tax returns filed on or after January 1, 1997 a Missouri resident individual taxpayer shall be eligible for a food tax credit, in the amount of fifteen dollars per dependent claimed, against the tax otherwise due under chapter 143, RSMo.

2. Any resident who does not file a return under this chapter and who was not claimed as a dependent by a resident individual taxpayer may file for the credit authorized herein on forms provided by the director of revenue.

3. This section shall take effect only if no sales tax reduction or credit is made under section 144.022.

Section 3. 1. As used in this section, the following terms shall mean:

(1) "Shelter for victims of domestic violence", a facility located in this state which meets the definition of a

shelter for victims of domestic violence under section 455.200, RSMo, and which meets the requirements of section 455.220, RSMo;

(2) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, RSMo;

(3) "Taxpayer", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of domestic violence.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. A taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence in such taxpayer's taxable year is at least one hundred dollars.

5. The director of public safety shall determine, at least annually, which facilities in this state may be classified as shelters for victims of domestic violence. The director of public safety may require of a facility seeking to be classified as a shelter for victims of domestic violence whatever information is reasonably necessary to make such a determination. The director of public safety shall classify a facility as a shelter for victims of domestic violence if such facility meets the definition set forth in subsection 1 of this section.

6. The director of public safety shall establish a procedure by which a taxpayer can determine if a facility has been classified as a shelter for victims of domestic violence, and by which such taxpayer can then contribute to such shelter for victims of domestic violence and claim a tax credit. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one fiscal year shall not exceed one million dollars.

7. The director of public safety shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director of public safety, the cumulative amount of tax credits are equally apportioned among all facilities classified as shelters for victims of domestic violence. If a shelter for victims of domestic violence fails to use all, or some percentage to be determined by the director of public safety, of its apportioned tax credits during this predetermined period of time, the director of public safety may reapportion these unused tax credits to those shelters for victims of domestic violence that have used all, or some percentage to be determined by the director of public safety, of their apportioned tax credits during this predetermined period of time. The director of public safety may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of public safety shall establish the procedures described herein in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. The director of public safety shall promulgate such rules as are necessary to achieve the purposes of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

Section B. Because of the need to reduce state revenues, sections 144.020, 144.021, 144.022 and 144.440 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 144.020, 144.021, 144.022 and 144.440 of this act shall be in full force and effect upon its passage and approval or on July 1, 1996, whichever is later.

Section C. Sections 143.111, 143.122, 143.124, 143.161, 1, 2 and 3 of this act shall become effective on January 1, 1997."

Senator Schneider moved that the above substitute amendment be adopted.

Senator Wiggins resumed the Chair.

Senator Lybyer raised the point of order that **SSA 1** for **SA 3** is out of order in that it attempts to amend material into the bill that already exists.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 3** was again taken up.

At the request of Senator Lybyer, **HS** for **HCS** for **HB 1172**, with **SCS**, **SA 3**, and **SSA 1** for **SA 3** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Banks, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **HS** for **SS** for **SB 981**, begs leave to report that it has examined the same and finds that the bill has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Mathewson resumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HS** for **SS** for **SB 981**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 722**, entitled:

An Act to repeal sections 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.535, 302.540, 302.541, 479.020, 479.040, 479.500, 577.001, 577.012, 577.020, 577.021, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof thirty-three new sections relating to the same subject.

With House Amendments Nos. 1, 2, 3, 4, 6, 7, 8, 9 and 11.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 40, Section 302.505, Line 14 of said page, by inserting immediately after the word "a" the word "**state**"; and

Further amend said bill, Page 40, Section 302.505, Line 15 of said page, by deleting the words "**alcohol related**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 60, Section 479.500, Lines 3-4, by striking "one traffic judge" and replacing with the following: "[one traffic judge] **two traffic judges**"; and

Further amend said bill, Page 60, Section 479.500, Line 22, by inserting after the word "circuit" the following: "**and associate circuit**";

Further amend said bill, Page 63, Section 479.500, Line 4, by striking "one commissioner" and replacing with: "[one commissioner] **two commissioners**".

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 12, Section 302.010, Line 22 of said page, by striking the words "court approval" and inserting in lieu thereof the words "**judicial review**"; and

Further amend said bill, page 29, section 302.304, lines 14-22, by striking all of said lines; and further on page 30, line 1 of said page, by striking all of said line and inserting in lieu thereof the following: "**or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.**"; and

Further amend said bill, page 51, section 302.540, lines 2-13 of said page, by striking all of said lines and inserting in lieu thereof the following: "**or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such**

assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court."; and

Further amend said bill, page 64, section 577.001, line 18 of said page, by striking the words "court approval" and inserting in lieu thereof the words "**judicial review**"; and

Further amend said bill, page 75, section 577.041, lines 3-14 of said page, by striking all of said lines and inserting in lieu thereof the following: "**shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.**"

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 21, Section 302.302, Line 5 from the top of said page, by inserting immediately after the word "**offenses**" the following: "**however combined**"; and

Further amend said bill, Page 31, Section 302.309, Lines 5 through 6 from the top of said page, by deleting the following: "judges.] **or the application**" and inserting in lieu thereof the following: "judges]. **Any application**"; and

Further amend said bill, Page 33, Section 302.309, Line 16 from the top of said page, by deleting immediately after the word "director" the bracket "["; and

Further amend said bill, Page 33, Section 302.309, Line 17 from the top of said page, by deleting the words "him whenever he" and inserting in lieu thereof the following: "[him] **the driver** whenever [he] **such driver**"; and

Further amend said bill, Page 33, Section 302.309, Line 18 from the top of said page, by deleting the following: "operates]." and inserting in lieu thereof the following: "operates **a motor vehicle.**"; and

Further amend said bill, Page 33, Section 302.309, Line 18 from the top of said page, by inserting immediately after the word "**revenue**" the following: "**upon granting a limited driving privilege**"; and

Further amend said bill, Page 34, Section 302.309, Line 15 from the top of said page, by deleting the following: "**or who meets the following criteria**".

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 40, Section 302.505, Line 10 of said page, by striking the words "reasonable suspicion" and inserting in lieu thereof the words "**probable cause**"; and further amend line 14 of said page, by striking the words "reasonable suspicion" and inserting in lieu thereof the words "**probable cause**"; and

Further amend said bill, page 63, section 577.001, line 17 of said page, by striking "or being in actual physical

control of"; and

Further amend said bill, page 71, section 577.039, line 4 of said page, by inserting immediately after "any" the following: "[**and when**"; and further amend said line, by striking the words "must be" and inserting in lieu thereof the word "**is**"; and further amend line 5 of said page, by striking the closing bracket "]" and inserting in lieu thereof the following: ", **unless the person to be arrested has left the scene of an accident or has been removed from the scene to receive medical treatment, in which case such arrest without warrant may be made more than one and one-half hours after such violation occurred**".

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 68, Section 577.021, Line 9, by inserting immediately after said line the following:

"577.023. 1.

(1) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney in writing;

(2) A "persistent offender" is a person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses, where such two or more offenses occurred within ten years of the occurrence of the intoxication-related traffic offense for which the person is charged; and

(3) A "prior offender" is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class [A misdemeanor] **D felony**.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. No court shall suspend the imposition of sentence as to a prior or persistent offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours' imprisonment, unless as a condition of such parole or probation such person performs at least ten days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service.

5. The court shall find the defendant to be a prior offender or persistent offender, if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender or persistent offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender or persistent offender.

6. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

7. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

8. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

9. The defendant may waive proof of the facts alleged.

10. Nothing in this section shall prevent the use of presentence investigations or commitments.

11. At the sentencing hearing both the state and the defendant shall be permitted to present additional information bearing on the issue of sentence.

12. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

13. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders or persistent offenders.

14. Evidence of prior convictions shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a plea of guilty or a finding of guilty followed by a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in a state court shall be treated as a prior conviction."; and

Further amend the title and enacting clause accordingly.

HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Section 302.060, by inserting after said section, the following:

"302.171. 1. Application for a license shall be made upon an approved form furnished by the director. Every application shall state the full name, social security number, age, height, weight, color of eyes, color of hair, sex, residence, mailing address of the applicant, and the classification for which the applicant has been licensed, and, if so, when and by what state, and whether or not such license has ever been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such suspension, revocation or disqualification and whether the applicant is making a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this section. The application shall also contain such information as the director may require to enable [him] **the director** to determine the applicant's qualification for driving a motor vehicle; and shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state or any ordinance of any municipality, relating to careless driving, or driving while intoxicated, or failing to stop after an accident and disclosing [his] **the applicant's** identity, or driving a motor vehicle without the owner's consent. The application shall contain a certification by the applicant as to the truth of the facts stated therein. **Every person who applies for a license to operate a motor vehicle who is less than twenty-one years of age shall be provided with educational materials relating to the hazards of driving while intoxicated, including information on penalties imposed by law for violation of the intoxication- related offenses of the state, review a video in reference to accidents involving alcohol and drug abuse; provided by the department of mental health/alcohol and drug division; but not limited to the department's video, if other video on the subject is available. The video cost shall not exceed \$3,000 to produce or purchase and distribute to state licensing facilities (approximately 60 sites).**

2. An applicant for a license may make a donation of one dollar to promote an organ donor program. The director of revenue shall collect the donations and deposit all such donations in the state treasury to the credit of the organ donor program fund established in sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used

solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the department of revenue shall retain no more than one percent for its administrative costs. The donation prescribed in this subsection is voluntary and may be refused by the applicant for the license at the time of issuance or renewal of the license. The director shall make available an informational booklet or other informational sources on the importance of organ donations to applicants for licensure as designed by the organ donation advisory committee established in sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the licensee presents the completed application to the director whether the applicant is interested in making the one dollar donation prescribed in this subsection and whether the applicant is interested in making an organ donation and shall also specifically inform the licensee of the ability to make an organ donation by completing the form on the reverse of the license that the applicant will receive in the manner prescribed by subsection 6 of section 194.240, RSMo. The director shall notify the department of health of information obtained from applicants who indicate to the director that they are interested in making organ donations, and the department of health shall enter only the complete name and address in the registry established in subsection 1 of section 194.304, RSMo."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 38, Section 302.309, Line 19 of said page by deleting the word "solely" and on line 20 by inserting after the word "and" the words "other competent evidence and" and on line 21 by inserting after the word "was" the word "statutorily" and after the word "privileges" by deleting the remaining words on lines 21 and 22.

HOUSE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, Page 35, Section 302.309, Line 5 by deleting the words "in eligibility" and insert in lieu thereof "ineligibility".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 572**, as amended: Representatives: Morgan, Franklin, Stoll, McClelland, Bartelsmeyer.

PRIVILEGED MOTIONS

Senator Moseley moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SB 722**, as amended, and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Caskey moved that **HS** for **HCS** for **HBs 1169** and **1271**, with **SCS**, **SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for **SA 4** was again taken up.

At the request of Senator Melton, the above amendment was withdrawn.

Senators Melton, Moseley and Treppler offered **SSA 2** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 2

FOR SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, Page 7, Section 302.010, Line 99, by striking the words "court approval" and inserting in lieu thereof the following: "**judicial review**"; and

Further amend said bill, pages 16-17, section 302.304, lines 106-107, by striking the words "or the court"; and

Further amend said bill, page 17, section 302.304, lines 108-119, by striking all of said lines and inserting in lieu thereof the following: "**program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.**"; and

Further amend said bill, page 28, section 302.540, line 38, by striking the words "or the court"; and

Further amend said bill, pages 28-29, section 302.540, lines 40-50, by striking all of said lines and inserting in lieu thereof the following: "**shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.**"; and

Further amend said bill, page 36, section 577.001, lines 21-22, by striking the words "court approval" and inserting in lieu thereof the following: "**judicial review**"; and

Further amend said bill, page 41, section 577.041, line 70, by striking the words "or the court"; and

Further amend said bill, page 41, section 577.041, lines 72-83, by striking all of said lines and inserting in lieu thereof the following: "**upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after**

reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court." .

Senator Melton moved that the above substitute amendment be adopted, which motion prevailed.

Senator Caskey moved that **SCS for HS for HCS for HBs 1169 and 1271**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS for HS for HCS for HBs 1169 and 1271**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Ehlmann
Flotron	Goode	Graves	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28
Nays--Senators			
Clay	McKenna--2		
Absent--Senators			
Curls	DePasco--2		
Absent with leave--Senators			
House	Scott--2		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Caskey moved that **HCS for HBs 800, 812, 817 and 821**, with **SCS, SS No. 4 for SCS, SA 1 and SSA 1 for SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SSA 1 for SA 1 was again taken up.

Senator Kenney moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Graves, Klarich, Mueller and Staples.

SSA 1 for SA 1 failed of adoption by the following vote:

Yeas--Senators

DePasco	Ehlmann	Flotron	Graves
Howard	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Singleton
Westfall--13			

Nays--Senators

Banks	Bentley	Caskey	Clay
Curls	Goode	Johnson	Mathewson
Maxwell	McKenna	Moseley	Schneider
Sims	Staples	Treppler	Wiggins--16

Absent--Senators

Lybyer	Melton	Quick--3
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Absent with leave--Senators

House	Scott--2
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SA 1 was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

At the request of Senator Caskey, **SS No. 4** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821** was withdrawn.

Senator Caskey offered **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821**, entitled:

SENATE SUBSTITUTE NO. 5 FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 800, 812, 817 AND 821

An Act to repeal sections 105.470, 195.017, 217.730, 302.225, 317.001, 317.006, 367.011, 367.021, 367.031, 367.040, 367.043, 367.044, 367.045, 367.047, 367.048, 367.049, 367.050, 451.020, 479.020, 542.276, 544.170, 546.680, 556.037, 562.021, 566.067, 566.068, 569.170, 570.210, 574.085, 575.010, 575.020, 575.030, 575.090, 590.110, 595.025 and 595.045, RSMo 1994, sections 544.157, 549.525, 565.084, 566.600 and 600.042, RSMo Supp. 1995, and section 544.216 as enacted by the second regular session of the eighty-eighth general assembly in conference committee substitute for senate substitute no. 2 for senate substitute for house bill no. 1047 and signed by the governor on March 13, 1996, relating to crime, and to enact in lieu thereof sixty-four new sections relating to the same subject,

with penalty provisions, an emergency clause for certain sections and a termination date for a certain section.

Senator Caskey moved that **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 124, Section 8, Line 16, by inserting immediately after said line the following:

"Section 9. Any law enforcement agency that employs a peace officer certified pursuant to chapter 590, RSMo, shall inform such officer in writing at least fifteen days prior to dismissing, demoting or suspending such officer. Such written notification shall include the reasons for such action."; and

Further amend the title and enacting clause accordingly.

Senator Klarich moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Kinder offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bill No. 800, 812, 817, and 821, Page 124, Section 8, Line 16 by inserting immediately after said line the following:

"Section 9. 1. As used in this section, the following terms mean:

(1) "Partial-birth abortion", an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;

(2) "Physician", a doctor of medicine or osteopathy legally authorized to practice medicine and surgery or any other individual legally authorized to perform abortions; however, any individual who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

2. Any physician who knowingly performs a partial-birth abortion which results in the death of a human fetus is guilty of a class A misdemeanor and may be fined up to five thousand dollars. This subsection shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury and if no other medical procedure could be performed to protect the mother's life or physical health.

3. The father, if married to the mother at the time she receives a partial-birth abortion procedure and, if the mother has not attained the age of eighteen years at the time of the abortion, the maternal grandparents of the fetus may, in a civil action, obtain appropriate relief against the physician performing the partial-birth abortion and the hospital where such abortion is performed, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion. Such relief shall include:

(1) Money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

(2) Statutory damages equal to three times the cost of the partial-birth abortion.

4. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted.

Senator Quick resumed the Chair.

Senator Clay raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Kinder moved that **SA 2** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Ehlmann, Kenney, Mathewson and Staples.

SA 2 was adopted by the following vote:

Yeas--Senators			
Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
Nays--Senators			
Banks	Moseley--2		
Absent--Senators--None			
Absent with leave--Senators			
House	Scott--2		

Senator Schneider offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Pages 2 to 13, Section 105.470, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Clay offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 72, Section 479.020, Line 27, by inserting immediately after said line the following:

"516.145. Within one year: all actions brought by an offender, as defined in section 217.010, RSMo, or by any pretrial detainee, against the department of corrections or any municipal or county jail or other detention facility, or any entity or division thereof, or any employee or former employee for an act in an official capacity, or by the omission of an official duty or any other act or omission performed under color of law."; and

Further amend the title and enacting clause accordingly.

Senator Clay moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 & 821, Page 39, Section 302.225, Line 14, by inserting after all of said line the following:

"315.067. 1. A person operating a hotel, and the term "hotel" used in this act shall include all the "lodging establishments" defined in section 315.005, has the right to refuse or deny the use of a room, accommodations, facilities, or other privileges of the hotel to any of the following:

(1) An individual unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel;

(2) An individual who is visibly intoxicated, and under the influence of alcohol or other drug, and who is disorderly so as to create a public nuisance;

(3) An individual the hotel operator reasonably believes is seeking to use a room, accommodations, facilities, or other privileges of the hotel for an unlawful purpose;

(4) An individual the hotel operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to unlawful use of firearms or explosives;

(5) An individual whose use of the room, accommodations, facilities, or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.

2. A hotel operator who reasonably refuses or denies the use of a room, accommodations, facilities, or other privileges of the hotel pursuant to this section is not subject to any civil or criminal action or any fine or other penalty.

315.069. The hotel operator has the right to require a person seeking the use of a room, accommodations, facilities, or other privileges of the hotel to demonstrate the ability to pay for such use by cash, credit card, or approved check. The hotel operator may require the parent or guardian of a person less than eighteen years of age to do all of the following:

(1) Accept in writing the liability for the cost of the room, accommodations, facilities, or other privileges of the hotel used by the person, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the person while the person is using the room, accommodations, facilities, or other privileges of the hotel;

(2) Provide the hotel operator with one of the following:

(a) The authority to charge any amount due for the cost of the room, accommodations, facilities, or other

privileges of the hotel used by the person, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the person while the person is using the room, accommodations, facilities, or other privileges of the hotel to a credit card use of a credit card by person under the age of eighteen years shall be deemed a waiver of any defense based upon the age of such person as may be raised by the minor or the person authorizing the use of the credit card;

(b) An advance cash payment sufficient to cover the cost of the room, accommodations, facilities, or other privileges the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the person while the person is using the room, accommodations, facilities, or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations, or facilities of the hotel used by the person at the end of the person's stay.

315.072. In addition to any other applicable penalties, a court may order a person to pay restitution for any damages caused by such person which are suffered by the owner or operator of the hotel. Damages for which restitution may be ordered, in addition to physical damages, may include the loss of revenue resulting from the hotel being unable to rent or lease the room, accommodation, or facility during any time of repair, and restitution to any other individual who is injured or whose property is damaged as a result of the violation. Subject to the restrictions provided in section 537.045, RSMo, the parent or guardian, excluding foster parents, of a person less than eighteen years of age in their care and custody, may be liable to the owner or operator for the acts of the person which result in damage to the room, accommodation, or facility, and for restitution to any other individual who is injured or whose property is damaged as a result of such acts.

315.075. An owner or operator of a hotel may eject a person from the hotel and shall notify the appropriate local law enforcement authorities for any of the following reasons:

(1) Nonpayment of charges incurred by the individual renting or leasing a room, accommodations, or facilities of the hotel when the charges are due and owing;

(2) The individual renting or leasing a room, accommodations, or facilities of the hotel is visibly intoxicated, and is under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;

(3) The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;

(4) The owner or operator reasonably believes that the individual has brought anything into the hotel which may create an unreasonable danger or risk to other persons, including but not limited to unlawful use of firearms or explosives; and

(5) The individual is in violation of any federal, state, or local laws or regulations relating to the hotel.

315.077. An owner or operator of a hotel shall post a copy of sections 315.067 to 315.079 of this act, in addition to any rules established by the owner or operator of the hotel, in a conspicuous place at or near the guest registration desk and in each room of the hotel.

315.079. 1. Each individual renting or leasing a room, accommodations, or facilities of the hotel shall register, and may be required by the owner or operator of the hotel to show proof of identity by producing a valid driver's license, or other identification satisfactory to the owner or operator. If the individual is a person less than eighteen years of age, the owner or operator may also require a parent or guardian of the person to register.

2. The guest register may be kept and maintained by recording, copying, or reproducing the register by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing, or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original.".; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 5 for Senate Committee Substitute for House Committee Substitute for House Bills Nos. 800, 812, 817 and 821, Page 93, Section 562.021, Line 10 from the top of the page, by inserting immediately at the end of said line the following:

"565.005. 1. At a reasonable time before the commencement of the first stage of any trial of murder in the first degree at which the death penalty is not waived, the state and defendant, upon request and without order of the court, shall serve counsel of the opposing party with:

(1) A list of all aggravating or mitigating circumstances as provided in subsection 1 of section 565.032, which the party intends to prove at the second stage of the trial;

(2) The names of all persons whom the party intends to call as witnesses at the second stage of the trial;

(3) Copies or locations and custodian of any books, papers, documents, photographs or objects which the party intends to offer at the second stage of the trial. If copies of such materials are not supplied to opposing counsel, the party shall cause them to be made available for inspection and copying without order of the court.

2. The disclosures required in subsection 1 of this section are supplemental to those required by rules of the supreme court relating to a continuing duty to disclose information, the use of matters disclosed, matters not subject to disclosure, protective orders, and sanctions for failure to comply with an applicable discovery rule or order, all of which shall also apply to any disclosure required by this section.

3. If the defendant proposes to offer evidence of mental retardation, he shall file written notice thereof with the court no less than thirty days in advance of trial and list all expert witnesses he intends to call in support of such claim. Thereafter, the court, upon motion of the state or by or on behalf of the accused, for the purposes of performing the examination in question or to examine the accused, shall:

(1) Appoint one or more private psychiatrists or psychologists, as defined in section 632.005, RSMo; or

(2) Appoint physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded individuals, who are neither employees nor contractors of the department of mental health; or

(3) Direct the director of the department of mental health or his designee to have the accused so examined by one or more psychiatrists or psychologists, as defined in section 632.005, RSMo, or physicians with a minimum of one year training or experience in providing treatment or services to mentally retarded individuals designated by the director or his designee.

4. No private psychiatrist, psychologist, or physician shall be appointed by the court pursuant to subsection 3 of this section unless he has consented to act. The examinations ordered shall be made at such time and place and under such conditions as the court deems proper; except that if the order directs the director of the department of mental health to have the accused examined, the director, or his designee, shall determine the reasonable time, place, and conditions under which the examination shall be conducted. The order may include provisions for the interview of witnesses or the production and examination of records.

5. Both the state and the defendant may take the deposition of any witness disclosed pursuant to this section.

6. Both the defendant and the state shall, upon written request, be entitled to an order granting them a second examination of the accused by a psychiatrist or psychologist, as defined in section 632.005, RSMo, or a physician with a minimum of one year training or experience in providing treatment or services to mentally retarded individuals, of their own choosing and at their own expense.

7. A claim of mental retardation so as to preclude the death penalty shall constitute an affirmative defense which shall be decided prior to trial by a judge rather than a jury and no interlocutory appeal from an adverse ruling shall be permitted by either side.

8. Whenever evidence relating to the issue of mental retardation under subsection 2 of section 565.020 is offered pursuant to the procedures contained in subsections 3, 4 and 5 of this section, the court shall, after hearing, make findings of fact and conclusions of law, prior to trial or plea, as to the issue.

565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor[; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.], **or except as provided in subsection 3 of this section.**

3. A person is not eligible for the death penalty if at the time of the commission of the offense he has not reached his sixteenth birthday or he has mental retardation as defined in section 630.005, RSMo. This subsection shall only be effective for crimes occurring on or after the effective date of this section."; and

Further amend the title and enacting clause accordingly.

Senator Moseley moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Caskey moved that **SS No. 5 for SCS for HCS for HBs 800, 812, 817 and 821**, as amended, be adopted, which motion prevailed.

Senator Caskey was recognized to close.

President Pro Tem Mathewson referred **SS No. 5 for SCS for HCS for HBs 800, 812, 817 and 821**, as amended, to the Committee on State Budget Control.

CONFERENCE COMMITTEE REPORTS

Senator Moseley, on behalf of the conference committee appointed to act with a like committee from the House on **HCS for SB 572**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 572

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Bill No. 572, with House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Bill No. 572;

2. That the House recede from its position on House Committee Substitute for Senate Bill No. 572 with House Amendment No. 1 and House Substitute Amendment No. 1 for House Amendment No. 2;

3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 572 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Moseley /s/ Annette N. Morgan

/s/ Morris Westfall /s/ Steve Stoll

/s/ Roseann Bentley /s/ Richard Franklin

/s/ Sidney Johnson /s/ Linda Bartelsmeyer

Ted House /s/ Emmy McClelland

Senator Moseley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senator Mueller--1

Absent--Senator Staples--1

Absent with leave--Senators

House Scott--2

On motion of Senator Moseley, **CCS** for **HCS** for **SB 572**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 572

An Act to repeal sections 160.051 and 160.053, RSMo 1994, relating to the enrollment of pupils in public schools, and to enact in lieu thereof four new sections relating to the same subject, with an effective date.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Lybyer Staples--2

Absent with leave--Senators

House Scott--2

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **HJR 58**, with **SCA 1**, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

HJR 58, with **SCA 1**, introduced by Representative Lumpe, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27(a) of article IV of the Constitution of Missouri, relating to certain funds in the state treasury and adopting two new sections in lieu thereof relating to the same subject.

Was taken up by Senator Rohrbach.

SCA 1 was taken up.

Senator Rohrbach moved that the above amendment be adopted.

Senator Rohrbach offered **SA 1** to **SCA 1**:

SENATE AMENDMENT NO. 1 TO

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Amendment No. 1 to House Joint Resolution No. 58, Page 954 of the Journal for May 2, 1996, column two, line 14, by deleting the word "first" on said line and inserting in lieu thereof the word "second".

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

SCA 1, as amended, was again taken up.

Senator Rohrbach moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Rohrbach, **HJR 58**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Treppler
Westfall	Wiggins--30		

Nays--Senators--None

Absent--Senators

Lybyer	Staples--2
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Absent with leave--Senators

House	Scott--2
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The President declared the bill passed.

On motion of Senator Rohrbach, title to the bill was agreed to.

Senator Rohrbach moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 2** for **HB 809**, as amended:
Representatives: Shields, Tate, Lakin, Barry, Naeger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS** for **HB 991**, as amended:
Representatives: Koller, Bray, VanZandt, Ostmann, Cooper.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt Conference Committee Report on **HS** for **SB 757**, as amended, and requests the Senate to grant further conference.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Maxwell moved that the Senate grant the House further conference on **HS** for **SB 757**, as amended, which motion prevailed.

INTRODUCTIONS OF GUESTS

Senator Flotron introduced to the Senate, Carolyn and Jimmy Cooper, St. Louis; and Jimmy was made an honorary page.

Senator Flotron introduced to the Senate, Jim Guest and Cub Scout Pack 809, St. Louis; and Paul Guest, Brad Kelsheimer, Kurt Reuther and Tim Dunn were made honorary pages.

Senator Sims introduced to the Senate, Pam Mahon and eighty five fourth grade students from Wyland School, St. Louis; and Christopher Fetch, Kristina Wiser, Jenny Brandt and Jeremy Whitman were made honorary pages.

Senator Rohrbach introduced to the Senate, the Physician of the Day, E. David Scott, M.D., Jefferson City.

On motion of Senator Banks, the Senate adjourned until 9:30 a.m., Friday, May 17, 1996.

Journal of the Senate

SECOND REGULAR SESSION

SEVENTY-SIXTH DAY--FRIDAY, MAY 17, 1996

The Senate met pursuant to adjournment.

President Pro Tem Mathewson in the Chair.

The Chaplain offered the following prayer:

Our Father in Heaven, on this last day we pray for grace to finish the job, give thanks for past experiences and ask for guidance for what lies ahead. We pray a special blessing on those who end distinguished service here today. Thank You for every blessing, every smile and every friendship. In Jesus Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

Present--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--34		

Absent with leave--Senators--None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 1439, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lloyd Helm, McDonald County, which was adopted.

Senator Graves offered Senate Resolution No. 1440, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ralph Elmo Roe, Brookfield, which was adopted.

Senator Wiggins offered Senate Resolution No. 1441, regarding the Honorable Gene Robert Martin, Jackson County, which was adopted.

Senator Bentley offered Senate Resolution No. 1442, regarding Monica Whitt, which was adopted.

Senator Bentley offered Senate Resolution No. 1443, regarding Shela Cameron, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1444, regarding Dee Pohl, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1445, regarding Chris Tuckness, Willard, which was adopted.

Senator Bentley offered Senate Resolution No. 1446, regarding Sandy Pinkerton, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1447, regarding George Scruggs, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1448, regarding Nancy Teters, Rogersville, which was adopted.

Senator Bentley offered Senate Resolution No. 1449, regarding Pat Turner, which was adopted.

Senator Bentley offered Senate Resolution No. 1450, regarding Barbara Lyons, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1451, regarding Autumn Morris, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1452, regarding Juanita Taylor, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1453, regarding Fay Renner, Springfield, which was adopted.

Senator Curls offered Senate Resolution No. 1454, regarding Samuel U. Rodgers, M.D., M.P.H., Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 1455, regarding Reverend James D. Tindall, Kansas City, which was adopted.

Senator Curls offered Senate Resolution No. 1456, regarding Angel Lee, which was adopted.

Senator Kenney offered Senate Resolution No. 1457, regarding Anthony R. "Tony" Schwappach, Blue Springs, which was adopted.

BILLS DELIVERED TO THE GOVERNOR

HS for **SS** for **SB 981**, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **HB 991**, as amended: Senators Staples, Banks, McKenna, Sims and Westfall.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **SB 757**, as amended: Senators Maxwell, Howard, Lybyer, Westfall and Russell.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 17, 1996

TO THE SENATE OF THE 88TH GENERAL ASSEMBLY

OF THE STATE OF MISSOURI:

The following correction should be made to the appointment of Kenneth R. Hensley for the State Lottery Commission, submitted to you on April 24, 1996. The appointment should read:

Kenneth R. Hensley, Democrat, 601 N. 9th, Albany, Gentry County, Missouri 64402, as a member of the State Lottery Commission, for a term ending September 9, 1998, and until his successor is duly appointed and qualified; vice, Robert E. Scott, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Senator Banks moved that the Senate give approval to the correction as noted, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HB 1098** and has taken up and passed **CCS** for **HB 1098**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SCS** for **SB 722**, as amended, and grants the Senate a conference thereon, and the conferees be allowed to exceed the differences in order that the conferees can adopt a Conference Committee Report that would be consistent with the Conference Committee Report for **HS** for **HCS** for **HB 1169** and **1271**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **HCS** for **SS** for **SCS** for **SB 722**, as amended: Representatives: Hosmer, Smith, Williams (121), Edwards-Pavia, Sallee.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HS** for **HCS** for **HBs 1169** and **1271**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon, and the conferees be allowed to exceed the differences in order

that the conferees can adopt a Conference Committee Report that would be consistent with the Conference Committee Report for **HS** for **HCS** for **SS** for **SCS** for **SB 722**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS** for **HB 1432** and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HBs 1557** and **1489**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HS** for **SB 757**, as amended: Representatives: Sears, Leake, Wiggins, Summers, Howerton.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SCS** for **HS** for **HCS** for **HBs 1169** and **1171**, as amended, and grant the Senate a conference thereon, which motion prevailed.

Senator McKenna moved that the Senate refuse to recede from its position on **SCS** for **HCS** for **HBs 1557** and **1489**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **SB 757**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2 FOR HOUSE SUBSTITUTE FOR

SENATE BILL NO. 757

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for Senate Bill No. 757 with House Amendments Nos. 1, 2, 3 and Part I of House Amendment No. 4 as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Substitute for Senate Bill No. 757 as amended;

2. That House Substitute for Senate Bill No. 757 with House Amendments Nos. 1, 2, 3, Part I of House Amendment No. 4, as amended, and Conference Committee Amendment No. 1 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Maxwell /s/ Jim Sears

/s/ Jerry Howard /s/ Sam Leake

/s/ Mike Lybyer /s/ Gary Wiggins

/s/ Morris Westfall /s/ Don Summers

/s/ John T. Russell /s/ Jim Howerton

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 757, Page 1, In the Title, Line 4, by inserting immediately after "1994," the following: "and section 644.031, RSMo Supp. 1995,"; and further amend lines 4-5, by striking the words "joint municipal utility commissions" and inserting in lieu thereof the following: "water pollution control"; and

Further amend the title and enacting clause accordingly.

Senator Maxwell moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senator Rohrbach--1

Absent--Senators

Clay	Goode	Graves	McKenna--4
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Absent with leave--Senator Scott--1

On motion of Senator Maxwell, **HS** for **SB 757**, as amended by the conference committee report no. 2, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Russell	Schneider

Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senator Rohrbach--1		
	Absent--Senators		
Clay	McKenna--2		
	Absent with leave--Senator Scott--1		

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 722**, as amended: Senators Moseley, Caskey, Quick, Westfall and Sims.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for **HBs 1169** and **1271**, as amended: Senators Moseley, Caskey, Quick, Westfall and Sims.

Also,

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HBs 1557** and **1489**, as amended: Senators McKenna, DePasco, Quick, Flotron and Treppler.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

On motion of Senator Caskey, **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817** and **821**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Mueller--2
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Absent with leave--Senator Scott--1

President Pro Tem Mathewson declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay	Schneider--2
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Absent with leave--Senator Scott--1

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Wiggins, on behalf of the conference committee appointed to act with a like committee from the House on **HB 1098**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON

HOUSE BILL NO. 1098

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Bill No. 1098, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1098;
2. That the Senate recede from its position on House Bill No. 1098, with Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 2 and Senate Amendment No. 2, as amended;
3. That the attached Conference Committee Substitute for House Bill No. 1098 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ John E. Scott /s/ Russell Goward

/s/ Franc Flotron /s/ Sheila Lumpe

/s/ Harry Wiggins /s/ Don Koller

/s/ Irene Treppler /s/ T. Mark Elliott

/s/ Mike Lybyer /s/ Michael R. Gibbons

Senator Wiggins moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Banks Clay Graves Staples--4

Absent with leave--Senator Scott--1

On motion of Senator Wiggins, **CCS** for **HB 1098**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1098

An Act to repeal sections 32.057, 135.010, 143.451, 143.631 and 144.020, RSMo 1994, relating to taxation, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	Curls	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Treppler	Westfall

Wiggins--29

Nays--Senators--None

Absent--Senators

Banks Clay Graves Staples--4

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to recede from its position on **SS** for **HB 1432** and grant the House a

conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS** for **HB 1432**: Senators Quick, McKenna, Treppler, Johnson and Klarich.

CONFERENCE COMMITTEE REPORTS

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **SB 664**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE BILL NO. 664

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Bill No. 664, with House Amendments Nos. 1 and 2, House Amendment No. 3 as amended, and House Amendment No. 4; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the Senate recede from its position on Senate Bill No. 664;
- 2. That the House recede from its position on Senate Bill No. 664 with House Amendments Nos. 1 and 2, House Amendment No. 3 as amended, and House Amendment No. 4;
- 3. That the attached Conference Committee Substitute for Senate Bill No. 664 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ David Klarich /s/ Ed Hartzler
/s/ Emory Melton /s/ Gene Copeland
/s/ Ed Quick /s/ Sam Leake
/s/ Harold L. Caskey /s/ Joseph L. Treadway
/s/ Joe Maxwell /s/ Mark Richardson

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton

Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay	Staples--2
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Absent with leave--Senators--None

On motion of Senator Klarich, **CCS** for **SB 664**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 664

An Act to repeal sections 442.605, 442.610 and 442.615, RSMo 1994, relating to real estate settlement agents, and to enact in lieu thereof nineteen new sections relating to the same subject, with penalty provisions.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay	Staples--2
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Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Klarich, title to the bill was agreed to.

Senator Klarich moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator Quick assumed the Chair.

Senator Moseley, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HS for HCS for HBs 1301 and 1298**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1301 and 1298

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298;
2. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1301 and 1298 with Senate Amendments Nos. 1, 2, 3, 4, 5, 6, Senate Substitute Amendment No. 1 for Senate Amendment No. 7, Senate Amendments Nos. 11, 12, 13, 14, 15, 16, 17, Senate Substitute Amendment No. 1 for Senate Amendment No. 18, Senate Amendments Nos. 19, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 35, 36, 37;
3. That the attached Conference Committee Substitute be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Moseley /s/ Steve McLuckie

/s/ Morris Westfall /s/ Glenda Kelly

/s/ Harold L. Caskey /s/ Brian H. May

/s/ Sidney Johnson /s/ Cindy Ostmann

/s/ David Klarich /s/ Emmy McClelland

Senator Moseley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Schneider
Scott	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Rohrbach	Russell	Sims--3
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Absent--Senator Banks--1

Absent with leave--Senators--None

On motion of Senator Moseley, **CCS** for **SCS** for **HS** for **HCS** for **HBs 1301** and **1298**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1301 and 1298

An Act to repeal sections 162.680, 195.017, 195.214, 302.272, 574.085 and 575.090, RSMo 1994, and sections 160.261, 167.161 and 167.171, RSMo Supp. 1995, and to enact in lieu thereof twenty-six new sections for the purpose of providing safer schools, with penalty provisions and an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Russell	Scott	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Rohrbach Schneider Sims--3

Absent--Senators--None

Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators

Rohrbach Schneider--2

Absent--Senator Mathewson--1

Absent with leave--Senators--None

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Senator House, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SBs 723** and **891**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 723 and 891

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891 with House Amendments Nos. 1, 2, 3 and 4, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7, House Amendment No. 7, House Amendment No. 1 to House Amendment No. 8, House Amendments Nos. 8, 9 and 10; begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891 and House Amendments Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 5, House Amendment No. 5, House Amendment No. 1 to House Amendment No. 7 and House Amendments Nos. 7, 8, 9 and 10;

2. That the House recede from its position on House Amendments Nos. 3 and 4 and House Amendment No. 1 to House Amendment No. 8;

3. That the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 and 891 with House Amendments Nos. 1 and 2, House Amendment No. 1 to House Amendment No. 5, House amendment No. 5, House Amendment No. 1 to House Amendment No. 7, House Amendments No. 7, 8, 9, 10 and Conference Committee Amendment No. 1 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ted House /s/ Henry Rizzo

/s/ Sidney Johnson /s/ Brian May

/s/ Harold L. Caskey /s/ Phil Smith

/s/ Larry Rohrbach /s/ David W. Broach

/s/ Betty Sims /s/ Marilyn Edwards-Pavia

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 723 & 891, Page 1, In the Title, Line 5, by inserting immediately after the word "provisions as it appears the second time on said line, the following: ", with an emergency clause for certain sections; and

Further amend said bill, Page 4, Section 50.333, Lines 91-96, by striking all of line 91 after "term." and by striking all of lines 92-96 and inserting in lieu thereof the following: **"If the salary commission votes to decrease the compensation, a vote of two-thirds or more of all the members of the salary commission shall be required before the salary or other compensation of any county office shall be decreased below the compensation being paid for the particular office on the date the salary commission votes, and all officers and offices shall receive the same percentage decrease."**; and

Further amend said bill, Page 10, Section 67.641, Line 22, by inserting immediately after said line the following:

"67.475. In counties of the first classification on the effective date of this section, the total amount of city or county general obligation bond indebtedness incurred for improvements under sections 67.453 to 67.475, including temporary notes issued pursuant to sections 67.453 to 67.475, shall not exceed ten percent of the assessed valuation of all taxable tangible property, as shown by the last completed property assessment for state or local purposes, within the city or county. **In any county which was not a county of the first classification on the effective date of this section,**

the total amount of city or county general obligation bond indebtedness incurred for improvements under sections 67.453 to 67.475, including temporary notes issued pursuant to sections 67.453 to 67.475, shall not exceed forty percent of the assessed valuation of all taxable real property, as shown by the last completed property assessment for state or local purposes, within the proposed neighborhood improvement district; provided, however, that if a ballot upon which the question of incurring the bonded indebtedness is submitted to all of the qualified voters residing within the city or county and is approved by the percentage of voters within such city or county that is equal to the percentage of voter approval required for the issuance of general obligation bonds of such city or county pursuant to article VI, section 26 of the Missouri constitution, the total amount of city or county general obligation bond indebtedness incurred for improvements under sections 67.453 to 67.475, including temporary notes issued pursuant to sections 67.453 to 67.475, shall not exceed the assessed valuation of all taxable real property, as shown by the last completed property assessment for state or local purposes, within the proposed neighborhood improvement district. Any city with a population of three hundred fifty thousand or more inhabitants shall appoint a citizen advisory committee composed of members of each council districts on proposed neighborhood improvement district."; and

Further amend said bill, Page 13, Section 99.430, Line 104, by inserting immediately after said line the following:

"473.739. 1. Each public administrator, except in counties of the first class with a charter form of government, who does not receive at least [twenty-five] **forty-five** thousand dollars in fees as otherwise allowed by law shall receive annual compensation of four thousand dollars and each such public administrator who does not receive at least [twenty-five] **forty-five** thousand dollars in fees may request the county salary commission for an increase in annual compensation and the county salary commission may authorize an additional increase in annual compensation not to exceed ten thousand dollars.

2. Two thousand dollars of the compensation authorized in this section shall be payable to the public administrator only if he has completed at least twenty hours of classroom instruction each calendar year relating to the operations of the public administrator's office when approved by a professional association of the county public administrators of Missouri unless exempted from the training by the professional association. The professional association approving the program shall provide a certificate of completion to each public administrator who completes the training program and shall send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session may be reimbursed to the county public administrator in the same manner as other expenses as may be appropriated for that purpose."; and

Further amend said bill, Page 14, Section 3, Line 3, by inserting immediately after said line, the following:

"Section B. Because immediate action is necessary to prevent injustice, sections 575.130, 4, 5, 6, 7, 8, 9 and 10 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and sections 575.130, 4, 5, 6, 7, 8, 9 and 10 are hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley

Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Kenney--1

Absent--Senators

Clay	Scott--2
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Absent with leave--Senators--None

President Pro Tem Mathewson resumed the Chair.

On motion of Senator House, **HCS** for **SS** for **SCS** for **SBs 723** and **891**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator Kenney--1

Absent--Senators--None

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
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Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Treppler	Westfall
Wiggins--33			

Nays--Senator Kenney--1

Absent--Senators--None

Absent with leave--Senators--None

On motion of Senator House, title to the bill was agreed to.

Senator House moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS No. 2** for **HB 809**, as amended, and has taken up and passed **CCS** for **SS No. 2** for **HB 809**.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Johnson, on behalf of the conference committee appointed to act with a like committee from the House on **SS No. 2** for **HB 809**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 809

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute No. 2 for House Bill No. 809, with Senate Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute No. 2 for House Bill No. 809, with Senate Amendments Nos. 1 and 2;
2. That the House recede from its position on House Bill No. 809;
3. That the attached Conference Committee Substitute for Senate Substitute No. 2 for House Bill No. 809 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Sidney Johnson /s/ Charlie Shields

/s/ Ed Quick /s/ Phil Tate

/s/ Bill McKenna /s/ Scott B. Lakin

/s/ Emory Melton /s/ Joan Barry

/s/ Marvin Singleton /s/ Pat A. Naeger

Senator Johnson moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay McKenna--2

Absent with leave--Senators--None

On motion of Senator Johnson, **CCS** for **SS No. 2** for **HB 809**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE NO. 2 FOR
HOUSE BILL NO. 809

An Act to repeal section 190.145 as enacted by the second regular session of the eighty-eighth general assembly in senate bill no. 530 and delivered to the governor on April 22, 1996, relating to ambulance operators, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senators

Clay McKenna--2

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Clay Lybyer McKenna--3

Absent with leave--Senators--None

On motion of Senator Johnson, title to the bill was agreed to.

Senator Johnson moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Flotron moved that **HB 1362**, with **SCS, SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

Senator Sims moved that the above amendment be adopted, which motion failed.

Senator Mueller offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1362, Page 2, Section 197.305, Line 13 of said page, by inserting immediately after said line, the following:

"(5) "Continuing care retirement community", a continuing care retirement community provides at the same site or location independent housing, long-term health care and other services to older persons not related by blood or marriage to the owner or operator of the continuing care retirement community under an agreement effective for the life of the person or a specified period of time in excess of one year which guarantees or provides priority access to on-site health related long-term care services when needed;"; and

Further amend said section, by renumbering the remaining subdivisions accordingly; and

Further amend said section, page 4, line 3 of said page, by inserting immediately after the word "fewer" the following: **"and any continuing care retirement community referred to in subsection 8 of section 197.318, provided, however, that the expansion provided under said section is no more than ten beds or ten percent of total bed capacity, whichever is less, over a two-year period"**; and

Further amend said bill, page 10, section 197.318, line 10 of said page, by inserting immediately after said line, the following:

"8. The provisions of section 197.317 shall not apply to any continuing care retirement community in existence on July 1, 1996 and bound by a contractual obligation on or before said date to provide residential and/or skilled nursing care in a residential care facility I, residential care facility II or skilled nursing facility, as applicable, upon demand or demonstrated need of any resident of the continuing care retirement community, which continuing care retirement community must expand its residential care facility I beds, residential care facility II beds and/or skilled nursing facility beds at the same site or location in order to satisfy its obligations to residents of the continuing care retirement community as evidenced by the actual or reasonably anticipated lack of available residential care facility I beds, residential care facility II beds or skilled nursing facility beds to meet the aforesaid demands or needs. Such qualifying continuing care retirement community may add such beds as are necessary to meet the reasonably foreseeable needs of its residents."

Senator Mueller moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Sims, Bentley, Westfall and Treppler.

SA 2 was adopted by the following vote:

Yeas--Senators

Bentley	Clay	DePasco	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Lybyer	Melton
Moseley	Mueller	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Treppler	Westfall--22		

Nays--Senators

Caskey	Curls	Ehlmann	Flotron
Mathewson	McKenna	Wiggins--7	

Absent--Senators

Banks	Klarich	Maxwell	Quick
Staples--5			

Absent with leave--Senators--None

At the request of Senator Flotron, **HB 1362**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate refuse to recede from its position on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended, and grant the House a conference thereon.

Senator Kinder offered a substitute motion that the Senate refuse to recede from its position on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended, and grant the House a conference thereon, and further that the conferees be bound to the language in the attached amendment:

"Section 1. 1. As used in this section, the following terms mean:

(1) "Partial-birth abortion", an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery;

(2) "Physician", a doctor of medicine or osteopathy legally authorized to practice medicine and surgery or any other individual legally authorized to perform abortions; however, any individual who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

2. Any physician who knowingly performs a partial-birth abortion which results in the death of a human fetus is guilty of a class A misdemeanor and may be fined up to five thousand dollars. This subsection shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury and if no other medical procedure could be performed to protect the mother's life or physical health.

3. The penalty established in this section shall not preclude the prosecution of the physician under any alternate criminal statute, including sections 188.035 and 565.021, RSMo.

4. The father, if married to the mother at the time she receives a partial-birth abortion procedure and, if the mother has not attained the age of eighteen years at the time of the abortion, the maternal grandparents of the fetus may, in a civil action, obtain appropriate relief against the physician performing the partial-birth abortion and the hospital where such abortion is performed, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion. Such relief shall include:

(1) Money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

(2) Statutory damages equal to three times the cost of the partial-birth abortion.

5. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section."; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute motion be adopted and requested a roll call vote be taken. He was joined in his request by Senators Treppler, Klarich, Mueller and Westfall.

The substitute motion made by Senator Kinder was adopted by the following vote:

Yeas--Senators

Bentley	Ehlmann	Flotron	House
Kenney	Kinder	Klarich	Melton
Mueller	Rohrbach	Russell	Schneider
Scott	Singleton	Treppler	Westfall--16

Nays--Senators

Caskey	Clay	Curls	Goode
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Staples

Wiggins--13

Absent--Senators

Banks

DePasco

Graves

Quick

Sims--5

Absent with leave--Senators--None

HOUSE BILLS ON THIRD READING

Senator Flotron moved that **HB 1362**, with **SS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

Senator Treppler offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1362, Page 1, Section A, Line 8 of said section, by inserting immediately after said line, the following:

"43.540. 1. As used in this section, the following terms mean:

(1) "Criminal record review", a request to the highway patrol for information concerning any criminal history record for a felony or misdemeanor;

(2) "Patrol", the Missouri state highway patrol;

(3) "Provider", any licensed day care home, licensed day care center, licensed child placing agency, licensed residential care facility for children, licensed group home, licensed foster family group home, [or] licensed foster family home, **any person, corporation or association licensed as an operator under chapter 198, RSMo, any person, corporation or association who provides in-home services, any person, corporation or association who employs nurses and nursing assistants for temporary or intermittent placement in health care facilities, or any entity licensed under chapter 197, RSMo;**

(4) "Patient", a person who by reason of aging, illness, disease or physical or mental infirmity receives or requires care and services furnished by a provider as defined in this section;

~~[(4)]~~ (5) "Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.

2. Upon receipt of a written request from a youth service agency or a provider, with the written consent of the applicant, the highway patrol shall conduct a criminal record review of an applicant for a paid or voluntary position with the agency or provider if such position would place the applicant in [direct] contact with minors **or patients as defined in this section.**

3. Any request for information made pursuant to the provisions of this section shall be on a form provided by the highway patrol, [and] shall be signed by the person who is the subject of the request[.], **and shall include a money order or check payable to the state of Missouri to cover the costs of the criminal record review. When a person applies for a paid position, the provider or the applicant shall pay for the criminal record review. When a person applies for a voluntary position, the provider shall pay for the criminal record review. Fees for a criminal record review shall not exceed the fees in section 43.530, RSMo. Each request shall be limited to one individual.**

4. **Pursuant to sections 43.507 and 610.120, RSMo,** the patrol shall respond in writing to the youth service agency or provider making a request for information under this section **as soon as possible but not to exceed two weeks and**

shall inform such youth service agency or provider of the nature of the offense, and the date, place and court. Notwithstanding any other provision of law to the contrary, the youth service agency or provider making such request shall have access to all records of arrests resulting in an adjudication where the applicant was found guilty or entered a plea of guilty or nolo contendere in a prosecution under sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for offenses described in sections 566.010 to 566.141, RSMo, during the period of any probation imposed by the sentencing court.

5. Any information received by a provider or a youth services agency under this section shall be **provided to the department of health and shall be** used solely for the **department of health's** providers, or youth service agencies' internal purposes in determining the suitability of an applicant or volunteer. The information shall be confidential and any person who discloses the information beyond the scope allowed in this section shall be subject to a class A misdemeanor. The patrol shall inform, in writing, the **department of health, the** provider or youth services agency of the requirements of this subsection and the penalties therein at the time it releases any information under this section."; and

Further amend said bill, page 13, section 344.030, line 24 of said page, by inserting immediately after said line, the following:

"660.317. 1. Before hiring any applicant for a paid or voluntary position, any person, corporation or association who:

(1) Is licensed as an operator under chapter 198, RSMo;

(2) Provides in-home services under contract with the department;

(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities; or

(4) Is an entity licensed under chapter 197, RSMo, shall ascertain if such applicant for a paid or voluntary position is on the employee disqualification list and shall request a criminal background check as provided in section 610.120.

2. Failure by any person, corporation or association identified in subsection 1 of this section to ascertain if such applicant for a paid or voluntary position is on the employee disqualification list and to request a criminal background check as provided in section 610.120, RSMo, shall be a class A misdemeanor."; and

Further amend the title and enacting clause accordingly.

Senator Treppler moved that the above amendment be adopted, which motion prevailed.

Senator Singleton offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1362, Page 5, Section 197.305, Line 24 of said page, by inserting immediately after said line the following:

"197.310. 1. The "Missouri Health Facilities Review Committee" is hereby established. The agency shall provide clerical and administrative support to the committee. The committee may employ additional staff as it deems necessary.

2. The committee shall be composed of:

(1) [Two members] **One member** of the senate appointed by the president pro tem, [who shall be from different political parties;] and

[(2) Two members] **one member** of the house of representatives appointed by the speaker[, who shall be from different political parties]. **The president pro tem of the senate shall make the first legislative appointment. The**

speaker of the house shall make the second legislative appointment to a member of the house who is from a different political party as the senatorial member; and

[(3)] **(2)** Five members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be from the same political party.

3. No business of this committee shall be performed without a majority of the full body.
4. The members shall be appointed as soon as possible after September 28, 1979. One of the senate members, one of the house members and three of the members appointed by the governor shall serve until January 1, 1981, and the remaining members shall serve until January 1, 1982. All subsequent members shall be appointed in the manner provided in subsection 2 of this section and shall serve terms of two years.
5. The committee shall elect a chairman at its first meeting which shall be called by the governor. The committee shall meet upon the call of the chairman or the governor.
6. The committee shall review and approve or disapprove all applications for a certificate of need made under sections 197.300 to 197.365. It shall issue reasonable rules and regulations governing the submission, review and disposition of applications.
7. Members of the committee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.
8. Notwithstanding the provisions of subsection 4 of section 610.025, RSMo, the proceedings and records of the facilities review committee shall be subject to the provisions of chapter 610, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Sims offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1362, Page 3, Section 197.305, Line 27, by removing "operated by a religious organization qualifying under section 501(c)(3) of the federal Internal Revenue Code, as amended,"; and

Further amend on page 4, line 2, by placing a period "." after "operation" and remove "with a total licensed bed capacity of one hundred beds or fewer;"

Senator Sims moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Wiggins assumed the Chair.

Senator Flotron moved that **SS** for **SCS** for **HB 1362**, as amended, be adopted, which motion prevailed.

On motion of Senator Flotron, **SS** for **SCS** for **HB 1362**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron

Goode	Graves	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Russell	Scott
Singleton	Staples	Treppler	Westfall
Wiggins--29			

Nays--Senators

House	Rohrbach	Sims--3
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Absent--Senators

McKenna	Schneider--2
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Absent with leave--Senators--None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Scott	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

House	Rohrbach	Sims--3
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Absent--Senator Bentley--1

Absent with leave--Senators--None

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended: Senators Caskey, Moseley, Maxwell, Graves and Westfall.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 28**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 29**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **SCA 1**, **SCA 1**, as amended, to **HJR 58** and has again taken up and passed **HJR 58**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 3 on **HCS** for **HB 991**, as amended, and has taken up and passed **HCS** for **HB 991**, as amended by the conference committee report.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 572**, as amended, and has taken up and passed **CCS** for **HCS** for **SB 572**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS No. 4** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250** and has again taken up and passed **SS No. 4** for **SS** for **SS** for **SCS** for **HS** for **HCS** for **HBs 1320, 981, 1042, 1109 and 1250**.

On motion of Senator Banks, the Senate recessed for 30 minutes.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mathewson.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SS** for **SB 488**, entitled:

An Act to repeal sections 210.170 and 455.030, RSMo 1994, and sections 455.040, 455.050, 487.020 and 487.170, RSMo Supp. 1995, relating to the protection of children and adults, and to enact in lieu thereof thirteen new sections relating to the same subject, with an effective date for certain sections.

With House Amendments Nos. 1 and 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendments Nos. 4 and 5.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Bill No. 488, Page 2, Section 174.773, Line 16, by deleting from said line the following: "**at least**"; and

Further amend said section, Lines 17 through 22, by deleting all of said lines; and

Further amend said section, Page 3, Lines 1 through 2 by deleting all of said lines before the word "**Whenever**".

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Bill No. 488, Page 22, Section 487.170, by inserting after said section, the following:

"Section 1. When a petition, which lists the names of children to the marriage who are less than eighteen years of age, is filed pursuant to the provisions of section 452.310, RSMo, the court shall order the parties to the dissolution to participate in a mediation program regarding any contested issues of child custody and visitation pursuant to the provisions of supreme court rule 88, except for good cause shown. As used in this section, "good cause" includes, but is not limited to, allegations of domestic violence, but does not mean the absence of qualified mediators."; and

Further amend title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Bill No. 488, Section 174.770, by inserting before said section, the following:

"43.530. For each request received by the central repository, as defined in subdivision (1) of section 43.500, the requesting entity shall pay a fee of not more than five dollars per request for criminal history record information and pay a fee of not more than [fourteen] **ten** dollars per request for classification and search of fingerprints; **except as provided in subsection 4 of section 660.317, RSMo.** Each such request shall be limited to check and search on one individual. Each request shall be accompanied by a check, warrant, voucher, or money order payable to the state of Missouri-criminal record system. There is hereby established by the treasurer of the state of Missouri a fund to be entitled as the "Criminal Record System Fund". Notwithstanding the provisions of section 33.080, RSMo, to the contrary, if the moneys collected and deposited into this fund are not totally expended annually for the purposes set forth in section 43.527, the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in the fund to accumulate from year to year.

43.540. 1. As used in this section, the following terms mean:

(1) "Criminal record review", a request to the highway patrol for information concerning any criminal history record for a felony or misdemeanor;

(2) **"Patient or resident", a person who by reason of aging, illness, disease or physical or mental infirmity receives or requires care or services furnished by a provider, as defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in a facility as defined in section 198.006, RSMo, for a period exceeding twenty-four consecutive hours;**

[(2)] (3) **"Patrol", the Missouri state highway patrol;**

[(3)] (4) **"Provider", any licensed day care home, licensed day care center, licensed child placing agency, licensed residential care facility for children, licensed group home, licensed foster family group home, [or] licensed foster family home, any operator licensed pursuant to chapter 198, RSMo, any employer of nurses or nursing assistants for temporary or intermittent placement in health care facilities, any person approved by the department of social services to issue certificates for nursing assistants training or any entity licensed pursuant to chapter 197, RSMo;**

[(4)] (5) **"Youth services agency", any public or private agency, school, or association which provides programs, care or treatment for or which exercises supervision over minors.**

2. Upon receipt of a written request from a **private investigatory agency**, a youth service agency or a provider, with the written consent of the applicant, the highway patrol shall conduct a criminal record review of an applicant for a paid [or voluntary] position with the agency or provider if such position would place the applicant in [direct] contact with minors, **or, patients or residents as defined in subsection 1 of this section.**

3. Any request for information made pursuant to the provisions of this section shall be on a form provided by the highway patrol and shall be signed by the person who is the subject of the request.

4. **Pursuant to sections 43.507 and 610.120, RSMo**, the patrol shall respond in writing to the youth service agency or provider making a request for information [under] **pursuant to** this section and shall inform such youth service agency or provider of the nature of the offense, and the date, place and court. Notwithstanding any other provision of law to the contrary, the youth service agency or provider making such request shall have access to all records of arrests resulting in an adjudication where the applicant was found guilty or entered a plea of guilty or nolo contendere in a prosecution [under] **pursuant to chapter 565, RSMo, or** sections 566.010 to 566.141, RSMo, or under the laws of any state or the United States for offenses described in sections 566.010 to 566.141, **RSMo, or chapter 565, RSMo**, during the period of any probation imposed by the sentencing court.

5. Any information received by a provider or a youth services agency [under] **pursuant to** this section shall be used solely for the [providers] **provider's** or youth service [agencies'] **agency's** internal purposes in determining the suitability of an applicant or volunteer. The information shall be confidential and any person who discloses the information beyond the scope allowed in this section [shall be subject to] **is guilty of** a class A misdemeanor. The patrol shall inform, in writing, the provider or youth services agency of the requirements of this subsection and the penalties [therein] **provided in this subsection** at the time it releases any information [under] **pursuant to** this section."; and

Further amend said bill, Page 22, Section 487.170, Line 4, by inserting after all of said line the following:

"660.317. 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

(1) Is licensed as an operator pursuant to chapter 198, RSMo;

(2) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities;

(3) Is approved by the department of social services to issue certificates for nursing assistants training; or

(4) Is an entity licensed pursuant to chapter 197, RSMo.

2. For the purpose of this section **"patient or resident"** has the same meaning as such term is defined in section 43.540, RSMo.

3. Beginning August 28, 1996, within two working days of hiring any person for a full-time, part-time or temporary position that has contact with any patient or resident the provider shall, or in the case of temporary employees hired through an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(1) Request a fingerprint criminal records review check as provided in sections 43.530 and 43.540, RSMo; and

(2) Make an inquiry to the department of social services, whether the person is listed on the employee disqualification list as provided in section 660.315.

4. When the provider requests a fingerprint criminal records review check pursuant to section 43.530, RSMo, the requesting entity shall pay a fee of not more than ten dollars per request for classification and search of fingerprints. The requestor entity may pass the fee on to the applicant. For the purposes of this section "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge and shall include any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole.

5. An applicant for a position that has contact with patients or residents of a provider shall:

(1) Sign a consent form as required by section 43.540, RSMo, so the provider may request a criminal records review;

(2) Disclose the applicant's criminal history as defined in subsection 3 of this section; and

(3) Disclose if the applicant is listed on the employee disqualification list as provided in section 660.315.

6. A provider is guilty of a class A misdemeanor if the provider knowingly hires or continues to employ a person that has contact with patients or residents and the person has been convicted of, plead guilty to or nolo contendere in this state or any other state to any A or B felony violation of RSMo, Chapters 565, 566 or 569."; and

Further amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill 488, Page 22, Section 487.170, by inserting after said section, the following:

"630.710. 1. The standards contained in the rules shall particularly provide for the following:

(1) Admission and commitment criteria, which shall be based upon diagnoses;

(2) Care, treatment, habilitation or rehabilitation;

(3) General medical and health care;

(4) Adequate physical plant facilities, including fire safety, housekeeping and maintenance standards;

(5) Food service facilities;

(6) Safety precautions;

(7) Drugs and medications;

(8) Uniform system of recordkeeping;

(9) Resident or client rights and grievance procedures;

(10) Adequate staff.

2. By August 28, 1997, the rules shall require a criminal record review from the highway patrol for all staff in the residential facility and day program who have unsupervised contact with persons affected by a mental disorder, mental illness, mental retardation or a developmental disability.

[2] **3.** The rules containing the standards for living units within facilities or homes shall provide for such classifications of the living units as are small enough to insure programs based upon the personal needs of the resident as determined by individualized habilitation or treatment plans. The units may include distinct parts of other facilities such as wards, wings or floors."; and

Amend title and enacting clause accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Substitute for Senate Bill No. 488, Page 1, by deleting all of sections 174.770, 174.773, 174.776, 174.779, 174.781, 174.783 and 174.785 and amend the title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 869**, entitled:

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 208.215, 210.160, 210.842, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 478.463, 479.260, 479.261, 482.345, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 512.050, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 531.010, 537.675, 550.260, 550.300, 561.035, 590.140, 595.045, and 630.167, RSMo 1994, and sections 302.137, 478.401 and 487.170, RSMo Supp. 1995, relating to the assessment, collection, disbursement and expenditure of moneys in judicial proceedings and judicial procedures, and to enact in lieu thereof eighty-six new sections relating to the same subject, with penalty provisions, an effective date for certain sections and expiration date for certain provisions.

With House Amendments Nos. 1, 2, 3, 4, 5, 6 and 7, House Substitute Amendment No. 1 for House Amendment No. 8, House Amendments Nos. 9 and 10.

HOUSE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 147, Section 514.015, Lines 7 through 22, by deleting all of said lines and on Page 148, by deleting lines 1 through 6, and by inserting in lieu thereof the following:

"(3) Upon notification to the party from whom the court cost is due, and upon failure to pay the fee after such notice, the court may inform the office of administration of any delinquencies in excess of twenty-five dollars. Upon receiving such notice, and without further notice by the office of administration to the defaulting party, the office of administration shall deduct the amount of unpaid court costs from any state check due to the defaulting party under any provision of law. The office of administration shall transmit the amount set off to the court, and shall send the excess amount to the payee, with a notice that the remainder of the refund was transmitted to the court in satisfaction of all or part of the unpaid court costs. The office of administration and its officials and employees shall not be liable to any person for any action taken in accordance with the requirements of this

subdivision. Any proceeding contesting any action taken by a court or the office of administration pursuant to this subdivision shall be brought in the court which certified such unpaid fees to the office of administration, and shall be deemed ancillary to the proceeding for which such unpaid fees were assessed. No appearance, responsive pleading or discovery shall be due from the office of administration in such proceeding except upon order of the court;"

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 1, In the Title, Line 18 of said title, by inserting immediately after the number "561.035," the number "575.130"; and

Further amend said bill, Page 2, In the Title, Line 25 of said title, by deleting the word "eighty-six" and inserting in lieu thereof the word "ninety-four"; and

Further amend said bill, Page 2, In the Title, Line 26 of said title, by inserting immediately after the word "provisions" the following: ", an emergency clause for certain sections,"; and

Further amend said bill, Page 166, Section 10, Line 1 of said page, by inserting after all of said line the following:

"Section D. Section 575.130, RSMo 1994, is repealed and eight new sections enacted in lieu thereof, to be known as sections 575.130, 1, 2, 3, 4, 5, 6 and 7, to read as follows:

575.130. 1. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:

(1) A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or

(2) Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.

2. This section shall not apply to a subpoena properly issued by a notary public.

3. Simulating legal process is a class B misdemeanor.

4. No person shall file a nonconsensual common law lien as defined in section 1 of this act.

5. A violation of subsection 4 of this section is a class B misdemeanor.

6. Subsection 4 of this section shall not apply to a filing officer as defined in section 1 of this act that is acting in the scope of employment.

Section 1. 1. For the purposes of sections 1 to 7 of this act:

(1) "Court" is the United States Supreme Court, Federal Courts of Appeal, Federal District Courts, Federal Magistrates, Federal Administrative Courts, Missouri supreme court, Missouri courts of appeal, Missouri circuit courts, and Missouri associate circuit courts but shall not include municipal courts;

(2) "Filing officer" is the secretary of state, the recorder of deeds of any county, the circuit clerk of any county or any public official or authorized employee required by law to accept for filing and keep as a public record any lien, deed, instrument, judgment or other document, whether in paper, electronic or other form, required to be filed or recorded under the laws of this state;

(3) "Nonconsensual common law lien" is a document that purports to assert a lien against the assets, real or personal, of any person and that, regardless of any self-description:

(a) Is not expressly provided for by a specific state or federal statute;

(b) Does not depend upon the consent of the owner of the property affected or the existence of a contract for its existence; and

(c) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

2. Nothing in sections 1 to 7 of this act shall be construed to create a lien or interest in property not otherwise existing under state or federal law.

3. Nothing in sections 1 to 7 of this act shall be construed to permit a municipal court to create a lien or interest in property not otherwise existing under state or federal law.

Section 2. 1. Any filing officer may reject for filing or recording any nonconsensual common law lien. This section shall not be construed to permit rejection of a document that is shown to be authorized by contract, lease or statute or imposed by a state or federal court of competent jurisdiction or filed by a licensed attorney, a financial institution including, but not limited to, any commercial bank, savings and loan association or credit union or a Missouri state licensed mortgage company or mortgage broker.

2. If a nonconsensual common law lien has been accepted for filing, the filing officer shall accept for filing a sworn notice of invalid lien on a form provided by the filing officer signed and submitted by the person against whom such lien was filed or such person's attorney. The form shall be captioned "Notice of Invalid Lien" and shall state the name and address of the person on whose behalf such notice is filed, the name and address of the lien claimant and a clear reference to the document or documents the person believes constitute a nonconsensual common law lien. A copy of the notice of invalid lien shall be mailed by the filing officer to the lien claimant at the lien claimant's last known address within one business day. No filing officer, county or the state shall be liable for the acceptance for filing of a nonconsensual common law lien, nor for the acceptance for filing of a sworn notice of invalid lien pursuant to this subsection.

Section 3. Any person who attempts to file a lien against real or personal property that is rejected pursuant to subsection 1 of section 2 of this act may petition the circuit court of the county of the filing officer that rejected such lien for an order, which may be granted ex parte, directing the filing officer to file or record the lien pending a hearing on whether the lien constitutes a nonconsensual common law lien. The lien claimant shall appear before the court as the petitioner within ten business days following the date of service of the petition and order on the filing officer, and show cause, if any, why the lien should not be declared void and other relief provided for by section 5 of this act should not be granted. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or the petitioner's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Section 4. Any person who has real or personal property or an interest therein, which is subject to a recorded nonconsensual common law lien who believes such lien is invalid may petition the circuit court of the county in which the lien has been recorded or filed for an order, which may be granted ex parte, directing the lien claimant to appear before the court within ten business days following the date of service of the petition and order on the lien claimant, and show cause, if any, why the claim of lien should not be declared void and other relief provided for by section 5 of this act should not be granted. The petition shall state the grounds upon which relief is requested, and shall be supported by the affidavit of the petitioner or the petitioner's attorney setting forth a concise statement of the facts upon which the claim for relief is based.

Section 5. 1. Any order rendered pursuant to section 3 or 4 of this act shall clearly state that if the lien claimant fails to appear at the time and place noted, the claim of lien shall be declared void ab initio and released and that the lien claimant shall be ordered to pay the costs incurred by any other party to the proceeding, including reasonable attorney's fees.

2. If, following a hearing on the matter, the court determines that the document at issue is a nonconsensual

common law lien, the court shall issue an order declaring the lien void ab initio, releasing the lien and awarding costs and reasonable attorney's fees to the prevailing party.

3. If the court determines that the claim of lien is valid, the court shall issue an order so stating and may award costs and reasonable attorney's fees to the prevailing party.

4. A certified copy of any order rendered pursuant to this section shall be filed by the circuit clerk in the office of the appropriate filing officer.

Section 6. Filing officers and any employees thereof, acting in the scope of employment, shall not be liable for damages pursuant to sections 1 to 5 of this act and, except as otherwise provided by law, shall not be required to defend decisions to accept or reject any documents.

Section 7. Any person who records or files in the office of a filing officer:

(1) Any document purporting to create a nonconsensual common law lien against real or personal property; or

(2) A notice of invalid lien pursuant to subsection 2 of section 2 of this act with respect to a valid lien and which the filer knew to be false at the time of filing; shall be liable to the damaged party for actual damages or five thousand dollars, whichever is greater plus costs and reasonable attorney's fees.

Section E. Because immediate action is necessary to prevent injustice, section D of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section D of this act shall be in full force and effect upon its passage and approval."

HOUSE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 1, In the Title, Line 7, by inserting after the figure "455.205," the following: "473.233,"; and

Further amend said bill, Page 2, In the Title, Line 25, by deleting the word "eighty-six" and inserting in lieu thereof the following: "eighty-seven"; and

Further amend said bill, Page 111, Section C, Line 16 of said page, by inserting after the figure "208.215," the following: "473.233,"; and

Further amend said bill, Page 111, Section C, Line 18 of said page, by deleting the word "twenty-four" and inserting in lieu thereof the following: "twenty-five"; and

Further amend said bill, Page 111, Section C, Line 19 of said page, by inserting after the figure "208.220," the following: "473.233,"; and

Further amend said bill, Page 127, Section 208.220, Line 1 of said page, by inserting after all of said line the following:

"473.233. 1. Within thirty days after letters are granted, unless a longer time is granted by the court, the personal representative shall make and return an inventory and appraisalment, in one written instrument, of all of the property of the decedent, including exempt property, which comes to his possession or knowledge, a statement of all encumbrances, liens, and other charges on any item, and all other property possessed by decedent at the time of his death. The property shall be classified therein as follows:

(1) Real property, with plat or survey description and the street address or approximate direction and distance from any city or town, and the popular name thereof, if any;

(2) Furniture, household goods, and wearing apparel, but no detailed appraisement or listing of the items thereof is required;

(3) Corporate stocks described by name, number of shares, class of stock;

(4) Mortgages, bonds, notes, and other written evidences of debt, together with interest due thereon, described by name of debtor, recording data, and other identification;

(5) Bank accounts, insurance policies payable to the personal representative, and money;

(6) All other personal property accurately identified, including a statement of the decedent's proportionate share in any partnership and of its net value as shown in the inventory required by section 473.220. No detailed appraisement or listing of the assets of the partnership property is required in the inventory filed by the personal representative;

(7) All property possessed but not owned by the decedent at his death shall be listed in the inventory, but separately from other property, together with a statement as to the knowledge of the personal representative as to its ownership.

2. At any time when it appears necessary, the judge or clerk may authorize the personal representative to employ a qualified and disinterested appraiser to assist him in ascertaining the fair market value, as of the date of the decedent's death, of any asset the value of which may be subject to reasonable doubt. Different persons may be employed to appraise different kinds of assets included in the estate. The name and address of any appraiser shall be indicated on the inventory with the item or items he appraised."

HOUSE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 22, Section 57.955, Line 5 of said page, by inserting after the following: "court." the following: **"For purposes of this section, the term "county ordinance" shall not include any ordinance of the city of St. Louis."**; and

Further amend said bill, Page 23, Section 67.133, Line 19 of said page, by inserting after the following: "court." the following: **"For purposes of this section, the term "county ordinance" shall not include any ordinance of the city of St. Louis."**

HOUSE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 1, In the Title, Line 8 of said title, by inserting immediately after the number "478.463," the number "479.020,"; and

Further amend said bill, Page 2, In the Title, Line 25 of said title, by deleting the word "eighty-six" and inserting in lieu thereof the word "eighty-seven"; and

Further amend said bill, Page 111, Section C, Line 16 of said page, by inserting immediately after the number "478.463," the number "479.020"; and

Further amend said bill, Page 111, Section C, Line 18 of said page, by deleting the word "twenty-four" and inserting in lieu thereof the word "twenty-five"; and

Further amend said bill, Page 111, Section C, Line 20 of said page, by inserting immediately after the number "478.463," the number "479.020,"; and

Further amend said bill, Page 129, Section 478.463, Line 18 of said page, by inserting after all of said line the following:

"479.020. 1. Any city, town or village, including those operating under a constitutional or special charter, may, and cities with a population of four hundred thousand or more shall, provide by ordinance or charter for the selection, tenure and compensation of a municipal judge or judges consistent with the provisions of this chapter who shall have original jurisdiction to hear and determine all violations against the ordinances of the municipality. The method of selection of municipal judges shall be provided by charter or ordinance. Each municipal judge shall be selected for a term of not less than two years as provided by charter or ordinance.

2. Except where prohibited by charter or ordinance, the municipal judge may be a part-time judge and may serve as municipal judge in more than one municipality.

3. No person shall serve as a municipal judge of any municipality with a population of seven thousand five hundred or more or of any municipality in a county of the first class with a charter form of government unless [he be] **the person** is licensed to practice law in this state unless, prior to January 2, 1979, [he] **such person** has served as municipal judge of that same municipality for at least three years.

4. Notwithstanding any other statute, a municipal judge need not be a resident of the municipality or of the circuit in which [he] **the municipal judge** serves except where ordinance or charter provides otherwise. Municipal judges shall be residents of Missouri.

5. Judges selected under the provisions of this section shall be municipal judges of the circuit court and shall be divisions of the circuit court of the circuit in which the municipality, or major geographical portion thereof, is located. The judges of these municipal divisions shall be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme court. The presiding judge of the circuit shall have general administrative authority over the judges and court personnel of the municipal divisions within the circuit. Notwithstanding the foregoing provisions of this subsection, in any city with a population of over four hundred thousand with full-time municipal judges who are subject to a plan of merit selection and retention, such municipal judges and court personnel of the municipal divisions shall not be subject to court management and case docketing in the municipal divisions by the presiding judge or the rules of the circuit court of which the municipal divisions are a part.

6. No municipal judge shall hold any other office in the municipality which [he] **the municipal judge** serves as judge. The compensation of any municipal judge and other court personnel shall not be dependent in any way upon the number of cases tried, the number of guilty verdicts reached or the amount of fines imposed or collected.

7. Municipal judges shall be at least twenty-one years of age. No person shall serve as municipal judge after [he] **that person** has reached [his seventieth] **that person's seventy-fifth** birthday.

8. Within six months after selection for the position, each municipal judge who is not licensed to practice law in this state shall satisfactorily complete the course of instruction for municipal judges prescribed by the supreme court. The state courts administrator shall certify to the supreme court the names of those judges who satisfactorily complete the prescribed course. If a municipal judge fails to complete satisfactorily the prescribed course within six months after [his] **the municipal judge's** selection as municipal judge, [his] **the municipal judge's** office shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal judge, nor shall any compensation thereafter be paid to such person for serving as municipal judge."

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 166, Section 10, Line 1 of said page, by inserting immediately after said line the following:

"Section 11. 1. In addition to all court fees and costs prescribed by law, a surcharge of up to ten dollars shall be assessed as costs in each court proceeding filed in any court within the thirtieth judicial circuit in all criminal cases including violations of any county or municipal ordinance or any violation of a criminal or traffic law of the state, including an infraction, except that no such surcharge shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court or when costs are to paid by the state, county or municipality. For violations of the general criminal laws of the state or county ordinances, no such surcharge

shall be collected unless it is authorized, by order, ordinance or resolution adopted prior to January 1, 1997, by the county government where the violation occurred. For violations of municipal ordinances, no such surcharge shall be collected unless it is authorized, by order, ordinance or resolution adopted prior to January 1, 1997, by the municipal government where the violation occurred. Such surcharges shall be collected and disbursed by the clerk of each respective court responsible for collecting court costs in the manner provided by section 514.015, RSMo, and shall be payable to the treasurer of the county where the violation occurred.

2. Each county shall use all funds received pursuant to this section only to pay for the costs associated with the construction, maintenance and operation of the county judicial facility and the circuit juvenile detention center including, but not limited to, utilities, maintenance and building security. The county shall maintain records identifying such operating costs, and any moneys not needed for the operating costs of the county judicial facility shall be transmitted quarterly to the general revenue fund of the county.

3. This section shall expire and be of no force and effect on and after January 1, 2005."; and

Further amend the title and Section C of said bill accordingly.

HOUSE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 127, Section 208.220, Line 1, by inserting immediately after said line the following:

455.030. 1. When the court is unavailable after business hours or on holidays or weekends, a verified petition for protection from abuse or a motion for hearing on violation of any order of protection under sections 455.010 to 455.085 may be filed before any available circuit or associate circuit court judge in the city or county having jurisdiction to hear the petition **pursuant to the guidelines developed pursuant to subsection 4 of this section.** An ex parte order may be granted pursuant to section 455.035.

2. All papers in connection with the filing of a petition or the granting of an ex parte order of protection or a motion for a hearing on a violation of an order of protection under this section shall be certified by such judge or the clerk within the next regular business day to the circuit court having jurisdiction to hear the petition.

3. A petitioner seeking a protection order shall not be required to reveal any current address or place of residence except to the judge in camera for the purpose of determining jurisdiction and venue. The petitioner may be required to provide a mailing address unless the petitioner alleges that he or she would be endangered by such disclosure, or that other family or household members would be endangered by such disclosure.

4. The supreme court shall develop guidelines which ensure that a verified petition may be filed on holidays, evenings and weekends.

455.040. 1. Not later than fifteen days after the filing of a petition under sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a [definite] period of time [, not to exceed one hundred eighty days] **the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year.** Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period [not to exceed] **of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year** from the expiration date of the originally issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period [not to exceed] **of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year.** For purposes of this subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order of protection.

2. The court shall cause a copy of the petition and notice of the date set for the hearing on such petition and any ex parte order of protection to be personally served upon the respondent by personal process server as provided by law or by any sheriff or police officer at least three days prior to such hearing. Such shall be served at the earliest time, and service of such shall take priority over service in other actions, except those of a similar emergency nature. The court shall cause a copy of any full order of protection to be served upon or mailed by certified mail to the respondent at his last known address. Failure to serve or mail a copy of the full order of protection to the respondent shall not affect the validity or enforceability of a full order of protection.

3. A copy of any order of protection granted under sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted. A notice of expiration or of termination of any order of protection shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system."; and

Further amend said bill, by amending the title and enacting clause accordingly.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 135, Section 490.130, Line 1 of said page, by inserting immediately after said line the following:

"494.490. In all trials of civil actions before a circuit judge, or an associate circuit judge sitting as a circuit judge, a jury shall consist of twelve persons selected pursuant to sections 494.400 to 494.505, **unless all parties agree on a lesser number, but not less than eight, in which case the number of veniremen shall be reduced accordingly.** Three-fourths or more jurors may return a lawful verdict. All verdicts shall be signed by each juror who agrees to the verdict."; and

Further amend the title and section C of said bill accordingly.

HOUSE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Page 149, Section 537.675, Line 18, by deleting the opening bracket "[" and also on page 150, section 537.675, line 16, by deleting the closing bracket "]; and

Further amend said bill, Pages 158 and 159, Section 7, by deleting all of section 7.

HOUSE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 869, Pages 128-129, Section 478.321, Lines 16-22 of page 128, and lines 1-4 of page 129, by striking all of said lines.

Emergency Clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended: Representatives Hosmer, Schilling, Smith, Murray (135), Wooten.

CONFERENCE COMMITTEE REPORTS

Senator Staples, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 991**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT NO. 3

ON HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 991

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for House Bill No. 991, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, Senate Amendment No. 1, Senate Amendment No. 6, and Senate Amendment No. 15 to House Committee Substitute for House Bill No. 991;
2. That the Senate recede from its position on Senate Committee Amendment No. 3, Senate Committee Amendment No. 4, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 7, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, and Senate Amendment No. 14 for House Committee Substitute for House Bill No. 991;
3. That the attached Conference Committee Amendment No. 1 be adopted for House Committee Substitute for House Bill No. 991;
4. That House Committee Substitute for Senate Bill No. 991 with Senate Committee Amendment No. 1, Senate Committee Amendment No. 2, Senate Amendment No. 1, Senate Amendment No. 6, Senate Amendment No. 15 and Conference Committee Amendment No. 1 be truly agreed and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Danny Staples /s/ Don Koller

/s/ Bill McKenna /s/ Joan Bray

/s/ Betty Sims /s/ Tim Van Zandt

/s/ Morris Westfall /s/ Bonnie Sue Cooper

J.B. "Jet" Banks /s/ Cindy Ostmann

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for House Bill No. 991, Page 1, In the Title, Line 3, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 2, by deleting the word "sixteen" and inserting in lieu thereof the word "seventeen"; and

Further amend said bill, Page 1, Section A, Line 3, by deleting the following: "11 and 12" and inserting in lieu thereof the following: "11, 12 and 13"; and

Further amend said bill, Page 9, Section 12, Line 10, by inserting immediately after said line the following:

"Section 13. 1. The department of highways and transportation shall not accept any bid for a highway project with an estimated cost in excess of two million dollars received from a contractor which has performed no work for the department during the preceding five years unless the department determines the contractor making such bid satisfies the provisions of subsections 2 and 3 of this section.

2. For the purposes of determining the qualifications of contractors governed by subsection 1 of this section, the department of highways and transportation shall promulgate rules and regulations which determine said contractor's minimum qualifications necessary for the contractor's bid to be acceptable for a highway project in excess of two million dollars. The minimum qualifications shall determine the types of work and the maximum amount of work on which a contractor may submit a bid. The minimum qualifications shall be in regards to, but are not limited to, the following:

(1) The contractor's experience in performing the type of work project to be bid, including the construction experience of personnel necessary for the project;

(2) The contractor's ability to complete the work project to the satisfaction of the department and in a timely manner, including a listing of previous completed projects similar to the work project;

(3) The types of work the contractor is qualified to perform;

(4) The contractor's insurance coverage, including comprehensive general liability, worker's compensation and automobile coverage;

(5) The contractor's designation of a Missouri resident as its agent for the receipt of legal process; and

(6) The contractor's listing of all current projects in progress, including the value of projects not yet completed and their completion dates;

(7) The equipment the contractor has available for the project which includes a list of the specific equipment available for the project;

(8) Where practical, the contractor's bonding company shall provide records of its most recent audit.

3. Any contractor which has performed no work for the department during the preceding five years and is making a bid for a project with an estimated cost in excess of two million dollars shall provide information to the department necessary for a determination of minimum qualifications pursuant to subsection 2 of this section.

4. All information submitted by a contractor to the department relevant to a determination of minimum qualifications and all information used by the department to determine said contractor's qualifications shall be protected from disclosure pursuant to the provisions of section 610.021, RSMo.

5. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of sections 536.024, RSMo."

Senator Staples moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley

Caskey

DePasco

Ehlmann

Graves	House	Howard	Johnson
Kenney	Kinder	Lybyer	Mathewson
McKenna	Moseley	Mueller	Quick
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--23	

Nays--Senators

Banks	Clay	Curls	Flotron
Rohrbach	Russell	Scott--7	

Absent--Senators

Goode	Klarich	Maxwell	Melton--4
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Absent with leave--Senators--None

On motion of Senator Staples, **HCS** for **HB 991**, as amended by the conference committee report, was read the 3rd time and passed by the following vote:

Yeas--Senators

Bentley	Caskey	DePasco	Ehlmann
Goode	Graves	House	Howard
Johnson	Kinder	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators

Banks	Clay	Curls	Flotron
Kenney	Rohrbach	Scott--7	

Absent--Senator Klarich--1

Absent with leave--Senators--None

The President Pro Tem declared the bill passed.

On motion of Senator Staples, title to the bill was agreed to.

Senator Staples moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has refused to adopt **SS** for **SCS** for **HB 1362**, as amended, and requests the Senate to recede from its position and failing to do so, grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Flotron moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 1362**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 1362**, as amended: Senators McKenna, Mathewson, Johnson, Kenney and Flotron.

HOUSE BILLS ON THIRD READING

HCS for **HB 945**, with **SCS**, entitled:

An Act to repeal section 319.131, RSMo Supp. 1995, relating to environmental protection, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Was called from the Informal Calendar and taken up by Senator Johnson.

SCS for **HCS** for **HB 945**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 945

An Act to amend chapter 640, RSMo, by adding two new sections relating to environmental protection, with penalty provisions.

Was taken up.

Senator Johnson moved that **SCS** for **HCS** for **HB 945** be adopted.

Senator Schneider offered **SS** for **SCS** for **HCS** for **HB 945**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 945

An Act to repeal section 643.315, RSMo 1994, relating to environmental protection, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Senator Schneider moved that **SS** for **SCS** for **HCS** for **HB 945** be adopted.

At the request of Senator Johnson, **HCS** for **HB 945**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

HB 985, with **SCS**, introduced by Representatives Franklin and Thomason, entitled:

An Act relating to the official language of the state.

Was called from the Informal Calendar and taken up by Senator Howard.

Senator Staples assumed the Chair.

SCS for **HB 985**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 985

An Act relating to the official language of the state.

Was taken up.

Senator Howard moved that **SCS** for **HB 985** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 985, Page 2, Section 2, Line 8, by inserting immediately after said line, the following:

"Section 3. 1. For the purposes of this section, the following terms mean:

(1) "Educational institution" has the same meaning as provided in section 176.010, RSMo;

(2) "Instructional faculty member", any faculty member or graduate teaching assistant who teaches one or more credit courses, at one or more campuses of an educational institution.

2. Each state educational institution shall evaluate, for oral, aural and written fluency in the English language, each member of its instructional faculty who did not receive the majority of both the faculty member's primary and secondary education in a program in which English was the primary language in the classroom. Such evaluation shall be provided by the educational institution at no cost to such faculty member. If a member of the instructional faculty fails an English proficiency evaluation, such faculty member may be reevaluated after a five-week period. Such faculty member shall not teach in any classroom during such five-week period. If a member of the instructional faculty passes the English proficiency evaluation, the educational institution shall review the classroom teaching methods and techniques of such faculty member within five to eight weeks after the initial evaluation to ensure such faculty member continues development in the use of the English language in the classroom.

3. No classroom course or other classroom instructional program offered by a state educational institution shall be taught by a faculty member who is required to be evaluated pursuant to subsection 2 of this section and has not been evaluated or who has not passed such evaluation.

4. On or before October fifteenth of each school year, each state educational institution shall provided in writing, to the coordinating board for higher education, certification that all instructional faculty members, required to be evaluated pursuant to subsection 2 of this section, hired by the educational institution or after the effective date of this section, or the date the most recent certification was filed with the coordinating board, whichever is later, have passed the evaluation required by subsection 2 of this section. To the extent practical, the coordinating board shall ensure that the reporting requirements of this subsection are coordinated with the reporting requirements of subsection 4 of section 170.012, RSMo, to reduce the amount of paperwork and number of required reports.

5. Exemptions from the English proficiency requirement may be granted in special cases by the chief academic and executive officers of the institution.

6. Each educational institution shall establish a program to receive complaints from students concerning instructional problems and other instructional concerns regarding instructional faculty members at the state educational institution, including problems regarding faculty English language proficiency. A student making a complaint shall not be required to provide the student's name or any other identifying information. Any identifying information obtained about the student making a complaint shall be confidential and shall not be considered an open record pursuant to chapter 610, RSMo.

7. Each educational institution shall send a annual report to the chairman of the house budget committee and the chairman of the senate appropriations committee by January first of each year setting forth the following information:

(1) Procedures established to guarantee instructional faculty have proficiency in both written and spoken English; and

(2) Procedures established to inform students of grievance procedures regarding instructional faculty who are not able to speak the English language.

8. The chairmen of the respective legislative committees provided for in subsection 7 of this section may recommend to the general assembly that an educational institution's budget be reduced because the institution has failed to comply with the requirements of this section."; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted, which motion prevailed.

Senator Sims offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 985, by adding the following new section at the end of said bill:

"1. Nothing in this act shall prohibit a government or judicial officer or employee acting in the normal course and scope of his or her employment from using a language other than English, including use in a government document or record, if the officer or employee chooses."; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted, which motion prevailed.

Senator Wiggins resumed the Chair.

Senator Bentley offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Bill No. 985, by adding the following new section at the end of said bill:

"1. Nothing in this act shall be construed to interfere with the public schools to provide the most appropriate, free education for all children."; and

Further amend the title and enacting clause accordingly.

Senator Bentley moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator McKenna offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Bill No. 985, by adding the following new section at the end of said bill:

"1. No provisions of this act shall interfere with any governmental obligations to Missouri's citizens in cases of public health, welfare, and safety. In such cases any and all means necessary shall be utilized to protect the health, safety, and welfare of all residents and citizens of the state without regard to language.".

Senator McKenna moved that the above amendment be adopted, which motion prevailed.

Senator Moseley offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Bill No. 985, Page 1, Section 1.2, Lines 3-7, by deleting said section in its entirety.

Senator Moseley moved that the above amendment be adopted.

At the request of Senator Howard, **HB 985**, with **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

President Pro Tem Mathewson resumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Moseley, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 722**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House

Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722, as amended;
- 2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 722;
- 3. That Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 722 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Moseley /s/ Deleta Williams

/s/ Harold L. Caskey /s/ Craig Hosmer

/s/ Ed Quick Phil Smith

/s/ Morris Westfall /s/ Mary Lou Sallee

/s/ Betty Sims /s/ Marilyn Edwards-Pavia

Senator Wiggins resumed the Chair.

Senator Moseley moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Curls
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
Nays--Senators			
Clay	McKenna--3		
Absent--Senator DePasco--1			
Absent with leave--Senator Scott--1			

On motion of Senator Moseley, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 722**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 722

An Act to repeal sections 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.535, 302.540, 302.541, 479.020, 479.040, 479.500, 577.001, 577.012, 577.020, 577.021, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614, RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof thirty-two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Clay	McKenna--2
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Absent--Senator Schneider--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Moseley, title to the bill was agreed to.

Senator Moseley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Banks moved that the Senate refuse to concur in **HS** for **HCS** for **SS** for **SS** for **SB 488**, as amended, and request the House to recede from its position, and take up and pass **SS** for **SS** for **SB 488**, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 805**, entitled:

An Act to amend chapter 640, RSMo, by enacting one new section relating to scholarships to increase minority and underrepresented student enrollment in environmentally related courses of study.

With House Substitute Amendment No. 1 for House Amendment No. 1, House Amendments Nos. 3, 4 and 6.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 805, Page 3, Section 640.240, Line 14, by deleting after the word "colleges" the following: "made up of one representative from the University of Missouri system, one representative from Lincoln University, and one representative from Harris Stowe University"; and

Further amend said bill, same section, line 17, by adding after the word "university" the words "and college".

HOUSE AMENDMENT NO. 3

Amend House Substitute for Senate Bill No. 805, Page 4, Section 9, Line 10, by inserting immediately after said line the following:

"10. Colleges and universities described in this section shall include public community colleges."

HOUSE AMENDMENT NO. 4

Amend House Substitute for Senate Bill No. 805, Page 4, Section 640.240, Line 4, by adding after the word "actual" the words "and necessary".

HOUSE AMENDMENT NO. 6

Amend House Substitute for Senate Bill No. 805, Page 4, Section 640.240, Line 5, by deleting lines 5-10.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SB 708**, entitled:

An Act to repeal sections 319.100, 319.129 and 319.133, RSMo 1994, and sections 319.131 and 319.132, RSMo Supp. 1995, relating to storage tanks, and to enact in lieu thereof five new sections relating to the same subject.

With House Amendments Nos. 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 708, Page 1, Section 319.100, Line 7, by inserting immediately after the word **"section"** the following:

"or aboveground storage tanks at petroleum pipeline terminals"; and

Further amend said bill, page 5, section 319.129, subsection 8, line 56, by deleting the word "reimburse" and inserting in lieu thereof the word **"compensate"**; and

Further amend said bill, page 5, section 319.129, subsection 8, line 57, by deleting the word "this"; and

Further amend said bill, page 5, section 319.129, subsection 8, line 58, by inserting immediately after the word "subsection" the following: **"8 of this section"**; and

Further amend said bill, page 5, section 319.129, subsection 8, line 58, by deleting the word "reimbursement" and inserting in lieu thereof the word **"compensation"**; and

Further amend said bill, page 5, section 319.129, subsection 9, line 60, by deleting the words "purposes for which the fund is established" and inserting in lieu thereof the following:

"fiduciary management of the fund"; and

Further amend said bill, section 319.129, subsection 12, line 71, by deleting the words "fund administration and fiduciary oversight" and by inserting in lieu thereof the following:

"fiduciary management of the fund"; and

Further amend said bill, section 319.129, subsection 12, line 72, by inserting immediately after the figure "319.137." the following:

"In no case shall the board have oversight regarding environmental cleanup standards for petroleum storage tanks."

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 708, page 9, section 319.131, lines 120-130, by deleting all of said lines and inserting in lieu thereof the following:

(2) An owner or operator who submits a request as provided in this subsection is not required to bid the costs and expenses associated with professional environmental engineering services. The department may disapprove all or part of the costs and expenses associated with the environmental engineering services if the costs are excessive based upon comparable service costs or current market value of similar services. The owner or operator shall solicit bids for actual remediation and clean up work as provided by rules of the department. The department may by rule establish minimum qualifications for bidders of remediation and clean up work. The environmental engineer retained by the owner or operator shall provide to the department prior to the acceptance of bids for remediation or clean up estimates of reasonable anticipated costs of remediation or clean up work. Bids for any remediation or clean up work must be submitted to the department prior to commencement of remediation work and unless disapproved by the department, the contract for remediation or clean up work shall be awarded to the lowest responsive responsible bidder. The department shall have the right to reject any or all bids for failure to meet minimum qualifications or for submitting a bid in excess of reasonable cost estimates for the project. If hidden or changed conditions are encountered during remediation or clean up work, which were not stated in the environmental engineer's estimate of costs submitted to the department, the owner or operator shall submit a statement of such additional cost to the department for approval, if reimbursement is requested from the fund.

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 708, page 10, section 319.132, line 19, by deleting the word "**twenty**" and inserting in lieu thereof the word "**twelve**".

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS** for **SCS** for **HB 1362**, as amended: Representatives Evans, Lakin, Smith, Copeland, Hartzler (123).

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 781**.

With House Substitute Amendment No. 1 for House Committee Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1 FOR HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 781, Page 3, Section 221.105, Line 47, by inserting immediately after the word "appropriations" the following: ", **but not less than the amount appropriated in the previous fiscal year**".

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Banks moved that **SB 781**, with **HSA 1** for **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HSA 1 for **HCA 1** was taken up.

Senator Banks moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Lybyer	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

Wiggins--33

Nays--Senators--None

Absent--Senators--None

Absent with leave--Senator Scott--1

On motion of Senator Banks, **SB 781**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Kenney	Kinder	Klarich	Mueller
Rohrbach--5			

Absent--Senators--None

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Schneider moved that **SS** for **SCS** for **SB 869**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed:

HS for **HCS** for **SS** for **SCS** for **SB 869**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 869

An Act to repeal sections 14.040, 56.310, 56.765, 57.280, 57.290, 57.300, 57.955, 66.110, 67.133, 98.330, 141.380, 193.205, 208.215, 210.160, 210.842, 429.090, 429.120, 442.035, 452.330, 452.345, 452.395, 452.402, 452.423, 452.490, 452.610, 454.150, 455.205, 473.420, 473.618, 474.510, 476.053, 478.463, 479.260, 479.261, 482.345, 483.310, 483.312, 483.500, 483.505, 483.510, 483.530, 483.535, 483.545, 483.550, 483.580, 483.591, 485.130, 485.150, 490.130, 491.280, 492.590, 494.456, 494.480, 506.140, 506.320, 508.200, 508.210, 508.220, 508.230, 511.510, 512.050, 514.010, 514.020, 514.290, 514.300, 514.303, 514.320, 514.330, 514.335, 514.440, 514.450, 514.460, 514.470, 514.475, 514.480, 514.490, 517.151, 531.010, 537.675, 550.260, 550.300, 561.035, 590.140, 595.045, and 630.167, RSMo 1994, and sections 302.137, 478.401 and 487.170, RSMo Supp. 1995, relating to the assessment, collection, disbursement and expenditure of moneys in judicial proceedings and judicial procedures, and to enact in lieu thereof eighty-six new sections relating to the same subject, with penalty provisions, an effective date for certain sections and expiration date for certain provisions.

Was taken up.

Senator Schneider moved that **HS** for **HCS** for **SS** for **SCS** for **SB 869**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	Graves
House	Johnson	Klarich	Mathewson
Maxwell	McKenna	Moseley	Quick
Schneider	Staples	Wiggins--19	

Nays--Senators

Bentley	Howard	Kenney	Kinder
Lybyer	Melton	Mueller	Rohrbach
Russell	Sims	Singleton	Treppler--12

Absent--Senators

Flotron	Westfall--2
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Absent with leave--Senator Scott--1

On motion of Senator Schneider, **HS** for **HCS** for **SS** for **SCS** for **SB 869**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Goode	Graves

House	Howard	Johnson	Klarich
Mathewson	Maxwell	McKenna	Moseley
Quick	Schneider	Staples	Wiggins--20

Nays--Senators

Bentley	Kenney	Kinder	Lybyer
Melton	Mueller	Rohrbach	Russell
Sims	Singleton	Treppler	Westfall--12

Absent--Senator Flotron--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
House	Johnson	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Moseley
Quick	Schneider	Staples	Wiggins--20

Nays--Senators

Graves	Howard	Kenney	Kinder
Melton	Mueller	Rohrbach	Russell
Sims	Singleton	Treppler	Westfall--12

Absent--Senator Goode--1

Absent with leave--Senator Scott--1

On motion of Senator Schneider, title to the bill was agreed to.

Senator Schneider moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Curls moved that **SB 805**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 805**, as amended, entitled:

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 805

An Act to amend chapter 640, RSMo, by enacting one new section relating to scholarships to increase minority and underrepresented student enrollment in environmentally related courses of study.

Was taken up.

Senator Curls moved that **HS** for **SB 805**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	House
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Quick	Rohrbach	Schneider	Sims
Singleton	Treppler	Westfall	Wiggins--24

Nays--Senators

Kenney	Kinder	Klarich	Mueller
Russell--5			

Absent--Senators

Ehlmann	Flotron	Graves	Staples--4
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Absent with leave--Senator Scott--1

On motion of Senator Curls, **HS** for **SB 805**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	House
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Rohrbach	Schneider	Sims	Singleton

Staples	Treppler	Westfall	Wiggins--24
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Nays--Senators

Graves	Kenney	Kinder	Melton
Mueller	Russell--6		

Absent--Senators

Ehlmann	Flotron	Klarich--3	
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Curls, title to the bill was agreed to.

Senator Curls moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

Senator Caskey moved that **SCS** for **SB 708**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 708**, as amended, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 708

An Act to repeal sections 319.100, 319.129 and 319.133, RSMo 1994, and sections 319.131 and 319.132, RSMo Supp. 1995, relating to storage tanks, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Caskey moved that **HCS** for **SCS** for **SB 708**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley

Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senator Rohrbach--1		
	Absent--Senators		
Ehlmann	Flotron--2		
	Absent with leave--Senator Scott--1		

On motion of Senator Caskey, **HCS** for **SCS** for **SB 708**, as amended, was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators		
Goode	Rohrbach--2		
	Absent--Senator Flotron--1		
	Absent with leave--Senator Scott--1		

The President Pro Tem declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

HB 1081, with **SCS**, introduced by Representative Carter, entitled:

An Act to repeal section 630.053, RSMo Supp. 1995, relating to the department of mental health, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Informal Calendar and taken up by Senator Banks.

SCS for **HB 1081**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1081

An Act to repeal sections 630.167 and 630.460, RSMo 1994, and section 630.053, RSMo Supp. 1995, relating to the department of mental health, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Banks moved that **SCS** for **HB 1081** be adopted.

Senator Banks offered **SS** for **SCS** for **HB 1081**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1081

An Act to repeal sections 313.842, 630.167 and 630.460, RSMo 1994, and section 630.053, RSMo Supp. 1995, relating to the department of mental health, and to enact in lieu thereof four new sections relating to the same subject.

Senator Banks moved that **SS** for **SCS** for **HB 1081** be adopted.

Senator Curls offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1081, Page 1, Section A, Line 4, by inserting immediately after all of said line the following:

"208.169. 1. Notwithstanding other provisions of this chapter, including but not limited to sections 208.152, 208.153, 208.159 and 208.162:

(1) There shall be no revisions to a facility's reimbursement rate for providing nursing care services under this chapter upon a change in ownership, management control, operation, stock, leasehold interests by whatever form for any facility previously licensed or certified for participation in the medicaid program. Increased costs for the successor owner, management or leaseholder that result from such a change shall not be recognized for purposes of reimbursement,

(2) In the case of a newly built facility or part thereof which is less than two years of age and enters the Title XIX program under this chapter after July 1, 1983, a reimbursement rate shall be assigned based on the lesser of projected estimated operating costs or one hundred ten percent of the median rate for the facility's class to include urban and rural categories for each level of care including ICF only and SNF/ICF. The rate set under this provision shall be effective for a period of twelve months from the effective date of the provider agreement at which time the rate for the future year

shall be set in accordance with reported costs of the facility recognized under the reimbursement plan and as provided in subdivisions (3) and (4) of this subsection. Rates set under this section may in no case exceed the maximum ceiling amounts in effect under the reimbursement regulation;

(3) Reimbursement for capital related expenses for newly built facilities entering the Title XIX program after March 18, 1983, shall be calculated as the building and building equipment rate, movable equipment rate, land rate, and working capital rate.

(a) The building and building equipment rate will be the lower of:

a. Actual acquisition costs, which is the original cost to construct or acquire the building, not to exceed the costs as determined in section 197.357, RSMo; or

b. Reasonable construction or acquisition cost computed by applying the regional Dodge Construction Index for 1981 with a trend factor, if necessary, or another current construction cost measure multiplied by one hundred eight percent as an allowance for fees authorized as architectural or legal not included in the Dodge Index Value, multiplied by the square footage of the facility not to exceed three hundred twenty-five square feet per bed, multiplied by the ratio of forty minus the actual years of the age of the facility divided by forty; and multiplied by a return rate of twelve percent; and divided by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

(b) The maximum movable equipment rate will be fifty-three cents per bed day.

(c) The maximum allowable land area is defined as five acres for a facility with one hundred or less beds and one additional acre for each additional one hundred beds or fraction thereof for a facility with one hundred one or more beds.

(d) The land rate will be calculated as:

a. For facilities with land areas at or below the maximum allowable land area, multiply the acquisition cost of the land by the return rate of twelve percent, divide by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

b. For facilities with land areas greater than the maximum allowable land area, divide the acquisition cost of the land by the total acres, multiply by the maximum allowable land area, multiply by the return rate of twelve percent, divide by ninety-three percent of the facility's total available beds times three hundred sixty-five days.

(e) The maximum working capital rate will be twenty cents per day;

(4) If a provider does not provide the actual acquisition cost to determine a reimbursement rate under subparagraph a. of paragraph (a) of subdivision (3) of subsection 1 of this section, the sum of the building and building equipment rate, movable equipment rate, land rate, and working capital rate shall be set at a reimbursement rate of six dollars;

(5) For each state fiscal year a negotiated trend factor shall be applied to each facility's Title XIX per diem reimbursement rate. The trend factor shall be determined through negotiations between the department and the affected providers and is intended to hold the providers harmless against increase in cost. In no circumstances shall the negotiated trend factor to be applied to state funds exceed the health care finance administration market basket price index for that year. The provisions of this subdivision shall apply to fiscal year 1996 and thereafter.

2. The provisions of subdivisions (1), (2), (3), and (4) of subsection 1 of this section shall remain in effect until July 1, 1989, unless otherwise provided by law.

[3. The provisions of this section shall not apply in any respect for any reason to any intermediate care facility exclusively for the mentally retarded/developmentally disabled which entered the Title XIX program after July 1, 1983.]; and

Further amend said bill, in the title and enacting clause accordingly.

Senator Curls moved that the above amendment be adopted, which motion prevailed.

Senator Banks moved that **SS** for **SCS** for **HB 1081**, as amended, be adopted, which motion prevailed.

On motion of Senator Banks, **SS** for **SCS** for **HB 1081**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Lybyer	Mathewson	Maxwell	McKenna
Melton	Mueller	Schneider	Sims
Staples	Treppler	Westfall	Wiggins--24

Nays--Senators

Kenney	Kinder	Klarich	Rohrbach
Russell	Singleton--6		

Absent--Senators

DePasco	Moseley	Quick--3
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Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

On motion of Senator Banks, title to the bill was agreed to.

Senator Banks moved that the vote by which the bill passed be reconsidered.

Senator Mathewson moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended by Conference Committee Amendment No. 1, Conference Committee Amendment No. 2.

CONFERENCE COMMITTEE REPORTS

Senator Maxwell, on behalf of the conference committee appointed to act with a like committee from the House on

SS for SCS for HS for HCS for HB 1237, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1237

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bill No. 1237;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237 with Senate Amendments Nos. 1, 4, 5, 6, 7, 8, Senate Amendment No. 1 to Senate Amendment No. 9, Senate Amendment No. 2 to Senate Amendment No. 9, Senate Amendment No. 9, as amended, Senate Amendment No. 11, Senate Amendment No. 1 to Senate Amendment No. 12, Senate Amendment No. 2 to Senate Amendment No. 12, Senate Amendment No. 3 to Senate Amendment No. 12, Senate Amendment No. 12, as amended, Senate Amendments Nos. 13, 14, 15, 16, 17, 18, 19, 22, 23, Senate Amendment No. 1 to Senate Amendment No. 24, Senate Amendment No. 24, as amended, Senate Amendments Nos. 25, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39, Senate Substitute Amendment No. 1 for Senate Amendment No. 40, Senate Substitute Amendment No. 1 for Senate Amendment No. 41, Senate Amendments Nos. 42 and 43;

3. That the attached Conference Committee Substitute with Conference Committee Amendment No. 1 and Conference Committee Amendment No. 2 for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill 1237 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Joe Maxwell /s/ Henry Rizzo

/s/ Franc Flotron /s/ May Scheve

/s/ Mike Lybyer /s/ Larry Thomason

/s/ Emory Melton /s/ Bonnie Sue Cooper

/s/ Harry Wiggins /s/ Phil Wannemacher

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 114, Section 620.1039, Subsection 1, Line 3, by deleting "or 143.471" from said line and inserting in lieu thereof the following: ", **143.471 or 148.370**"; and

Further Amend Said Bill, Page 119, Section 67.641, Subsection 3, Line 2 from top of said page, by inserting immediately after the word "government" the following: "**on August 28, 1989**"; and

Further Amend Said Bill, Section 3, Subsection 2, Line 1 of said subsection on Page 198 and Line 1 at the top of Page 199, by deleting the following: ", **and any satellite office or offices**,"; and

Further Amend Said Bill, Page 199, Section 5, Lines 4-7 of said section, by deleting all of said lines and inserting in lieu thereof the following: "**be located in Jefferson City**".

CONFERENCE COMMITTEE AMENDMENT NO. 2

Amend Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 1237, Page 66, Section 135.247, Subsection 3, Subdivision 3, Lines 6-7, by deleting both of said lines and inserting in lieu thereof the following: "**an enterprise zone which is located within any city of the third classification which is partially located within a county of the first class with a population of one hundred fifty**".

Senator Maxwell moved that the above conference committee report be adopted.

Senator Singleton offered the following substitute motion:

Mr. President: I have a substitute motion that:

1. The Senate refuse to adopt the Conference Committee Substitute for **SS** for **SCS** for **HS** for **HCS** for **HB 1237**; and
2. The bill be returned to conference; and
3. The Senate conferees be instructed to adopt **SS** for **SCS** for **HS** for **HCS** for **HB 1237** with the following changes to section 67.641 of the **SS**, pertaining to convention and sports complex funds:

Strike the brackets from around the word "two" and delete the word "three" on line 10 of page 12, lines 11 and 25 of page 13, and line 18 of page 14 of the Senate Substitute.

At the request of Senator Singleton, the above substitute motion was withdrawn.

Senator Singleton offered the following substitute motion:

Mr. President: I have a substitute motion that:

1. The Senate refuse to adopt the Conference Committee Substitute for **SS** for **SCS** for **HS** for **HCS** for **HB 1237**; and
2. The bill be returned to conference; and
3. The Senate conferees be instructed to adopt only a conference committee report with the following change to section 32.115, pertaining to tax credits:

Strike the brackets from around the word "twenty" and delete the word "twenty- two" as shown on line 21 of page 9 of the Senate Substitute, which motion failed.

Senator Sims raised the point of order that the conference committee report is out of order in that the conferees exceeded the differences between the Houses by adding Section 253.385.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Maxwell moved that the conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Bentley	Caskey	Clay	DePasco
Ehlmann	Flotron	Goode	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Quick
Russell	Schneider	Sims	Staples
Treppler	Wiggins--26		
	Nays--Senators		
Graves	Rohrbach	Singleton	Westfall--4
	Absent--Senators		
Banks	Curls	Mueller--3	
	Absent with leave--Senator Scott--1		

On motion of Senator Maxwell, **CCS** for **SS** for **SCS** for **HS** for **HCS** for **HB 1237**, as amended by the conference committee report, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1237

An Act to repeal sections 32.105, 32.111, 67.641, 67.1000, 71.015, 94.875, 100.270, 135.300, 135.305, 135.307, 135.309, 135.311, 135.403, 135.405, 143.782, 144.011, 148.330, 148.350, 172.273, 274.030, 274.220, 274.230, 338.056, 349.010, 620.158 and 620.1039, RSMo 1994, and sections 32.115, 71.012, 100.296, 135.100, 135.110, 135.207, 135.225, 135.230, 135.245, 135.247, 144.030, 447.708 and 620.482, RSMo Supp. 1995, and both versions of section 135.400, RSMo Supp. 1995, as enacted in house bill no. 414 and in senate bill no. 445 by the eighty-eighth general assembly, relating to economic development, and to enact in lieu thereof eighty-one new sections relating to the same subject, with an effective date for certain sections.

Was read the 3rd time and passed by the following vote:

	Yeas--Senators		
Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode

Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Russell
Schneider	Sims	Singleton	Staples
Treppler	Wiggins--30		
	Nays--Senators		
Rohrbach	Westfall--2		
	Absent--Senator Curls--1		
	Absent with leave--Senator Scott--1		

The President Pro Tem declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **HB 1432** and has taken up and passed **CCS** for **SS** for **HB 1432**.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Quick, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **HB 1432**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1432

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for House Bill No. 1432; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1432;
2. That the Senate recede from its position on Senate Substitute for House Bill No. 1432;

3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 1432 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Ed Quick /s/ Sam Leake

/s/ Bill McKenna /s/ Gene Copeland

/s/ Sidney Johnson /s/ Chris Liese

/s/ Irene Treppler /s/ Philip Wannemacher

/s/ David Klarich /s/ T. Mark Elliott

Senator Quick moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

On motion of Senator Quick, **CCS** for **SS** for **HB 1432**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

HOUSE BILL NO. 1432

An Act to repeal sections 408.110, 443.130, 456.500, 456.520, 456.600 and 473.787, RSMo 1994, and section 361.160, RSMo Supp. 1995, relating to financial transactions, and to enact in lieu thereof twenty-one new sections relating to the same subject, with an emergency clause for a certain section.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senators--None

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senators--None

Absent--Senators

Curls Schneider--2

Absent with leave--Senator Scott--1

On motion of Senator Quick, title to the bill was agreed to.

Senator Quick moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 524**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 524, Page 1, In the Title, Line 4, by inserting immediately after the word "subject" the following: ", with an emergency clause for a certain section"; and

Further amend said bill, Page 2, Section 317.001, Line 36, by inserting immediately after "(2)" the following: **"Combative fighting", also known as "toughman fighting", "toughwoman fighting", "badman fighting", "ultimate fighting", "U.F.C." and "extreme fighting", any boxing or wrestling match, contest or exhibition, between two or more contestants, with or without protective headgear, who use their hands, with or without gloves, or their feet, or both, and who compete for a financial prize or any item of pecuniary value, and which match, contest, tournament championship or exhibition is not recognized by and not sanctioned by any officially recognized state, regional or national boxing or athletic sanctioning authority, or any promotor duly licensed by the department of economic development;**

(3)"; and

Further amend said bill, Page 2, Section 317.001, Line 39, by deleting **(3)** and inserting in lieu thereof the number **(4)**"; and

Further amend said bill, Page 2, Section 317.001, Line 41, by deleting **(4)** and inserting in lieu thereof the number **(5)**"; and

Further amend said bill, Page 2, Section 317.001, Line 42, by deleting **(5)** and inserting in lieu thereof the number **(6)**"; and

Further amend said bill, Page 2, Section 317.001, Line 44, by deleting **(6)** and inserting in lieu thereof the number **(7)**"; and

Further amend said bill, Page 3, Section 317.001, Line 46, by deleting **(7)** and inserting in lieu thereof the number **(8)**"; and

Further amend said bill, Page 3, Section 317.001, Line 48, by deleting **(8)** and inserting in lieu thereof the number **(9)**"; and

Further amend said bill, Page 3, Section 317.001, Line 50, by deleting **(9)** and inserting in lieu thereof the number **(10)**"; and

Further amend said bill, Page 3, Section 317.001, Line 52, by deleting **(10)** and inserting in lieu thereof the number **(11)**"; and

Further amend said bill, Page 3, Section 317.001, Line 54, by deleting **(11)** and inserting in lieu thereof the number

"(12)"; and

Further amend said bill, Page 3, Section 317.001, Line 60, by deleting "(12)" and inserting in lieu thereof the number "(13)"; and

Further amend said bill, Page 3, Section 317.001, Line 65, by deleting "(13)" and inserting in lieu thereof the number "(14)"; and

Further amend said bill, Page 3, Section 317.001, Line 72, by deleting "(14)" and inserting in lieu thereof the number "(15)"; and

Further amend said bill, Page 3, Section 317.001, Line 73, by deleting "(15)" and inserting in lieu thereof the number "(16)"; and

Further amend said bill, Page 5, Section 317.006, Line 72, by deleting the word "**ultimate**" and inserting in lieu thereof the word "**combative**"; and

Further amend said bill, Page 7, Section 317.012, Lines 1 to 10, by deleting all of said lines; and

Further amend said bill, Page 10, Section 317.015, Line 64, by inserting after all of said line the following:

"Section B. Chapter 317, RSMo, is amended by adding thereto one new section, to be known as section 317.018, to read as follows:

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2. Anyone who promotes or participates in combative fighting, or anyone who serves as an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative fighting is guilty of a class D felony.

3. Any medical personnel who administers to, treats or assists any participants of combative fighting shall not be subject to the provisions of this section.

4. Nothing in section 317.001 or this section shall be construed to give authority to the Missouri state athletic commission to regulate boxing, sparring, wrestling or contact karate conducted by entities which are not regulated on the effective date of this section, including but not limited to events conducted by the:

(1) Military;

(2) Private schools;

(3) Church schools;

(4) Home schools;

(5) Martial arts academies;

(6) Private gyms;

(7) YWCAs and YMCAs;

(8) Elementary and secondary schools;

(9) College and university inter-and intra-mural;

(10) Fraternal organizations;

(11) Camps, conducted by church or not-for-profit organizations;

(12) Olympic committees; or

(13) Correctional facilities.

5. Nothing in section 317.001 or this section is intended to regulate, or interfere with or make illegal, traditional, sanctioned boxing, including professional, amateur, scholastic, championship boxing, amateur wrestling or scholastic wrestling.

Section C. Because immediate action is necessary to ensure the health and safety of certain athletes, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval."

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Clay moved that **SCS** for **SB 524**, with **HCA 1**, be taken up for 3rd reading and final passage, which motion prevailed.

HCA 1 was taken up.

Senator Clay moved that the above amendment be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Ehlmann
Flotron	Goode	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Lybyer	Mathewson	Maxwell
McKenna	Melton	Moseley	Mueller
Rohrbach	Russell	Schneider	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators--None

Absent--Senators

Bentley	Curls	DePasco	Quick
Sims--5			

Absent with leave--Senator Scott--1

On motion of Senator Clay, **SCS** for **SB 524**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	DePasco
Ehlmann	Flotron	Graves	House
Howard	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Singleton	Staples
Treppler	Westfall	Wiggins--27	

Nays--Senators--None

Absent--Senators

Bentley	Curls	Goode	Lybyer
Schneider	Sims--6		

Absent with leave--Senator Scott--1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Ehlmann
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators--None

Absent--Senators

Bentley	Curls	DePasco	Flotron
Lybyer	Schneider	Sims--7	

Absent with leave--Senator Scott--1

On motion of Senator Clay, title to the bill was agreed to.

Senator Clay moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **SB 768**, entitled:

An Act to repeal sections 355.176, 355.331, 402.215 and 473.657, RSMo 1994, relating to certain incorporated and non-incorporated entities, and to enact in lieu thereof ten new sections relating to the same subject.

With House Substitute Amendment No. 1 for House Amendment No. 1.

HOUSE SUBSTITUTE AMENDMENT NO. 1

FOR HOUSE AMENDMENT NO. 1

Amend House Substitute for Senate Bill No. 768, page 17, section 5, by inserting after said section, the following:

"Section 6. 1. It is the public policy of this state to recognize marriage only between a man and a woman.

2. Any purported marriage not between a man and a woman is invalid.

3. No recorder shall issue a marriage license, except to a man and a woman."; and

Further amend title and enacting clause accordingly.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HS** for **SB 757**, as amended, and has taken up and passed **HS** for **SB 757**, as amended by the conference committee report.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SB 836**, entitled:

An Act to repeal sections 362.471, 427.041, 443.130, 456.500, 456.520, 456.600 and 473.787, RSMo 1994, relating to certain financial transactions, and to enact in lieu thereof twenty-five new sections relating to the same subject, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SCS** for **SBs 604, 666 and 816**, entitled:

An Act to repeal sections 337.030, 337.045, 337.500, 337.505 and 337.510, RSMo 1994, and sections 337.020 and 337.050, RSMo Supp. 1995, relating to the regulation and licensing of psychologists and counselors, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HS** for **HCS** for **SS** for **SS** for **SB 488**, as amended, and request the Senate concur in **HS**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SB 664**, as amended, and has taken up and passed **CCS** for **SB 664**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SS** for **SCS** for **SBs 723 and 891**, as amended, and has taken up and passed **HCS** for **SS** for **SCS** for **SBs 723 and 891**, as amended by the conference committee report.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HS** for **HCS** for **HBs 1169 and 1271**, as amended, and has taken up and passed **CCS** for **SCS** for **HS** for **HCS** for **HBs 1169 and 1271**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HS** for **HCS** for **SS** for **SCS** for **SB 722**, as amended, and has taken up and passed **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 722**.

Bill ordered enrolled.

President Wilson assumed the Chair.

PRIVILEGED MOTIONS

Senator Howard moved that **SB 768**, with **HS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **SB 768**, as amended, entitled:

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 768

An Act to repeal sections 355.176, 355.331, 402.215 and 473.657, RSMo 1994, relating to certain incorporated and non-incorporated entities, and to enact in lieu thereof ten new sections relating to the same subject.

Was taken up.

Senator Howard moved that **HS** for **SB 768**, as amended, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Ehlmann
Goode	Graves	House	Howard
Johnson	Kenney	Kinder	Klarich
Mathewson	Maxwell	McKenna	Melton
Mueller	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--26		

Nays--Senators

Clay	Moseley--2
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Absent--Senators

Curls	DePasco	Flotron	Lybyer
Schneider--5			

Absent with leave--Senator Scott--1

On motion of Senator Howard, **HS** for **SB 768**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Quick
Rohrbach	Russell	Schneider	Sims

Singleton Staples Treppler Westfall

Wiggins--29

Nays--Senators

Clay Moseley--2

Absent--Senators

Curls Mueller--2

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

CONFERENCE COMMITTEE REPORTS

Senator Caskey, on behalf of the conference committee appointed to act with a like committee from the House on SCS for **HS** for **HCS** for **HBs 1169** and **1271**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1169 and 1271

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271;

2. That the Senate recede from its position on Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271, as amended;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Substitute for House Committee Substitute for House Bills Nos. 1169 and 1271 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Harold L. Caskey /s/ Deleta Williams (121)

/s/ Joe Moseley /s/ Craig Hosmer

/s/ Ed Quick Phil Smith

/s/ Morris Westfall /s/ Mary Lou Sallee

/s/ Betty Sims /s/ Marilyn Edwards-Pavia

Senator Caskey moved that the above conference committee report be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Lybyer	Mathewson	Maxwell
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--28

Nays--Senators

Clay	Klarich	Schneider--3
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Absent--Senators

Curls	McKenna--2
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Absent with leave--Senator Scott--1

On motion of Senator Caskey, **CCS** for **SCS** for **HS** for **HCS** for **HBs 1169** and **1271**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1169 and 1271

An Act to repeal sections 43.506, 82.1000, 302.060, 302.304, 302.309, 302.505, 302.510, 302.520, 302.530, 302.535, 302.540, 302.541, 479.020, 479.040, 479.500, 577.001, 577.012, 577.020, 577.021, 577.037, 577.039, 577.041, 577.049, 577.520 and 577.525, RSMo 1994, and sections 302.010, 302.171, 302.302, 302.312 and 577.614,

RSMo Supp. 1995, relating to operation of motor vehicles, and to enact in lieu thereof thirty-two new sections relating to the same subject.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Clay--1

Absent--Senator Curls--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Caskey, title to the bill was agreed to.

Senator Caskey moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Howard moved that **SCS** for **SBs 604, 666 and 816**, with **HS** for **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SCS** for **SBs 604, 666 and 816**, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 604, 666 and 816

An Act to repeal sections 337.030, 337.045, 337.500, 337.505 and 337.510, RSMo 1994, and sections 337.020 and 337.050, RSMo Supp. 1995, relating to the regulation and licensing of psychologists and counselors, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Howard moved that **HS** for **HCS** for **SCS** for **SBs 604, 666 and 816**, be adopted, which motion prevailed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Flotron	House	Howard
Johnson	Lybyer	Mathewson	Maxwell
McKenna	Moseley	Quick	Rohrbach
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--23	

Nays--Senators

Ehlmann	Goode	Graves	Kenney
Kinder	Klarich	Melton	Mueller
Russell--9			

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator Howard, **HS** for **HCS** for **SCS** for **SBs 604, 666 and 816** was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Flotron	Goode	House
Howard	Johnson	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Quick
Rohrbach	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--24

Nays--Senators

Ehlmann	Graves	Kenney	Kinder
Klarich	Melton	Mueller	Russell--8

Absent--Senator Clay--1

The President declared the bill passed.

On motion of Senator Howard, title to the bill was agreed to.

Senator Howard moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

PRIVILEGED MOTIONS

Senator Quick moved that the Senate refuse to concur in **HCS** for **SB 836** and request the House to recede from its position or failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Johnson moved that **HCS** for **HB 945**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

At the request of Senator Schneider, **SS** for **SCS** for **HCS** for **HB 945** was withdrawn.

SCS for **HCS** for **HB 945** was again taken up.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 945, Page 6, Section 640.048, Line 141, by inserting immediately after said line the following:

"8. Any county of the first classification without a charter form of government and with a population of at least eighty thousand shall be exempt from regulation pertaining only to the burning of residential trash in unincorporated areas under Rule 10-5.070 of the Code of State Regulations until such county has attained a population of at least one-hundred thousand."

Senator Klarich moved that the above amendment be adopted, which motion prevailed.

Senator House offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 945, Page 2, Section 640.045, Line 23, by striking "knowledgeable and competent facility employee, or by a" from said line; and

Further amend said bill, page 6, section 640.048, lines 122-123, by striking all of said lines; and

Further amend said section, by renumbering the remaining subdivisions accordingly.

Senator House moved that the above amendment be adopted.

At the request of Senator Johnson, **HCS** for **HB 945**, with **SCS** and **SA 2** (pending), was placed on the Informal

Calendar.

REPORTS OF STANDING COMMITTEES

Senator Wiggins, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **HB 1113**, with **SCS**, and **HCS** for **HB 1372**, with **SCS**, begs leave to report that it has considered the same and recommends that the bills do pass.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the conference committee report on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended, and requests further conference on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended.

PRIVILEGED MOTIONS

Senator Caskey moved that the Senate grant the House further conference on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended, which motion prevailed.

Senator Staples resumed the Chair.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended: Senators Caskey, Moseley, Maxwell, Graves and Westfall.

HOUSE BILLS ON THIRD READING

HB 1113, with **SCS**, introduced by Representative Stoll, entitled:

An Act to repeal sections 173.250 and 313.835, RSMo 1994, relating to certain scholarship programs, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up by Senator Bentley.

SCS for **HB 1113**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1113

An Act to repeal sections 173.355, 173.385 and 313.835, RSMo 1994, and section 173.239, RSMo Supp. 1995, relating to certain scholarship programs, and to enact in lieu thereof nine new sections relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **HB 1113** be adopted.

Senator Bentley offered **SS** for **SCS** for **HB 1113**, entitled:

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1113

An Act to repeal section 173.239, RSMo Supp. 1995, relating to certain scholarship programs, and to enact in lieu thereof six new sections relating to the same subject.

Senator Bentley moved that **SS** for **SCS** for **HB 1113** be adopted.

Senator House offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1113, Page 2, Section 173.239, Line 27 of said page, by inserting immediately after said line the following:

"173.250. 1. There is hereby established a "Higher Education Academic Scholarship Program" and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section 173.205 shall be applicable to such terms as used in this section. The term "academic scholarship" means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.

3. The coordinating board for higher education shall be the administrative agency for the implementation of the program established by this section, and shall:

(1) Promulgate reasonable rules and regulations for the exercise of its functions and the effectuation of the purposes of this section, including regulations for granting scholarship deferments;

(2) Prescribe the form and the time and method of awarding academic scholarships, and shall supervise the processing thereof; and

(3) Select qualified recipients to receive academic scholarships, make such awards of academic scholarships to qualified recipients and determine the manner and method of payment to the recipient.

4. A student shall be eligible for initial or renewed academic scholarship if he or she is in compliance with the eligibility requirements set forth in section 173.215 excluding the requirement of financial need and undergraduate status **and excluding the provisions of subdivision (6) of subsection 1 of section 173.215**, and in addition meets the following requirements:

(1) Initial academic scholarships shall be offered in the academic year immediately following graduation from high school to Missouri high school seniors whose composite scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top three percent of all Missouri students taking those tests during the school year in which the scholarship recipients graduate from high school. In the freshman year of college, scholarship recipients are required to maintain status as a full-time student;

(2) Academic scholarships are renewable if the recipient remains in compliance with the applicable provisions of section 173.215 and the recipient makes satisfactory academic degree progress as a full-time student.

5. A student who is enrolled or has been accepted for enrollment as a postsecondary student at an approved private or public institution beginning with the fall, 1987, term and who meets the other eligibility requirements for an academic scholarship shall, within the limits of the funds appropriated and made available, be offered an academic scholarship in the amount of two thousand dollars for the first academic year of study, which scholarship shall be renewable in the amount of two thousand dollars annually for the second, third and fourth academic years or as long as the recipient is in

compliance with the applicable eligibility requirements set forth in section 173.215 **except as provided in this section**, provided those years of study are continuous and the student continues to meet eligibility requirements for the scholarship; provided, however, if a recipient ceases all attendance at an approved public or private institution for the purpose of providing service to a nonprofit organization, a state or federal government agency or any branch of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship upon return to any approved public or private institution, provided the recipient:

- (1) Returns to full-time status within twenty-seven months;
- (2) Provides verification in compliance with coordinating board for higher education rules that the service to the nonprofit organization was satisfactorily completed and was not compensated other than for expenses or that the service to the state or federal governmental agency or branch of the armed forces of the United States was satisfactorily completed; and
- (3) Meets all other requirements established for eligibility to receive a renewal scholarship.

6. A recipient of academic scholarship awarded under this section may transfer from one approved Missouri public or private institution to another without losing eligibility for the scholarship. If a recipient of the scholarship at any time withdraws from an approved private or public institution so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of the refund attributable to the scholarship for that term to the coordinating board for higher education.

7. Other provisions of this section to the contrary notwithstanding, if a recipient has been awarded an initial academic scholarship pursuant to the provisions of this section but is unable to use the scholarship during the first academic year because of illness, disability, pregnancy or other medical need or if a recipient ceases all attendance at an approved public or private institution because of illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or renewal scholarship upon enrollment in or return to any approved public or private institution, provided the recipient:

- (1) Enrolls in or returns to full-time status within twenty-seven months;
- (2) Provides verification in compliance with coordinating board for higher education rules of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need of such person to require that that person will not be able to use the initial or renewal scholarship during the time period for which it was originally offered; and
- (3) Meets all other requirements established for eligibility to receive an initial or a renewal scholarship."; and

Further amend the title and enacting clause accordingly.

Senator House moved that the above amendment be adopted, which motion prevailed.

Senator Bentley moved that **SS** for **SCS** for **HB 1113**, as amended, be adopted, which motion prevailed.

On motion of Senator Bentley, **SS** for **SCS** for **HB 1113**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Graves
House	Howard	Johnson	Kenney
Kinder	Klarich	Lybyer	Mathewson

Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators		
Goode	Rohrbach--2		
	Absent--Senator DePasco--1		
	Absent with leave--Senator Scott--1		

The President declared the bill passed.

On motion of Senator Bentley, title to the bill was agreed to.

Senator Bentley moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

HB 1524, with **SCS**, was placed on the Informal Calendar.

President Pro Tem Mathewson resumed the Chair.

HB 992, with **SCA 1**, introduced by Representative Gaw, et al, entitled:

An Act to repeal section 454.360, RSMo 1994, relating to enforcement of support law, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an effective date.

Was taken up by Senator Wiggins.

SCA 1 was taken up.

Senator Wiggins moved that the above amendment be adopted, which motion failed.

Senator Howard offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Bill No. 992, Page 1, In the Title, Lines 2-3, by striking said lines and inserting in lieu thereof the following: "To repeal sections 210.150, 210.152 and 210.183, RSMo 1994, relating to child protection and support, and to enact in lieu thereof fifty-six new sections relating to the same subject, with an effective date."; and

Further amend said bill, page 1, section A, line 1, by striking said line and inserting in lieu thereof the following:

"Section A. Sections 210.150, 210.152 and 210.183, RSMo 1994, are repealed and fifty-six new sections enacted in lieu thereof,"; and further on line 2, by inserting immediately after the word "sections" the following: "210.150, 210.152, 210.183,"; and

Further amend said bill, page 1, section A, line 7, by inserting immediately after said line, the following:

"210.150. 1. The division of family services shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the division of family services shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child care facility; child placing agency; residential care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division of family services or business which provides training and places or recommends people for employment or for volunteers

in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any person who inquires about a child abuse or neglect report involving a specific child care facility, child placing agency, residential care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(10) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(11) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division of family services shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission.

4. After a period of not less than [one year] **sixty days** following **the notification of a finding** by the division, any person who is the subject of a report where there is insufficient evidence of abuse or neglect may **file a written appeal with the director of the division of family services to order the records removed from the division and destroyed. If the person who is a subject of a report where there is insufficient evidence of abuse or neglect, is aggrieved by the decision of the director of the division of family services not to remove and destroy the records, such person** may petition the circuit court to order the records removed from the division and destroyed. The division shall be named as respondent. Venue shall be in the county where the person resides, or in circuits with split venue in the venue in which the alleged perpetrator resides. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County, naming the division of family services as respondent.

5. **No person with access to records maintained pursuant to subsection 3 of this section shall use such records in any child custody or visitation proceeding.**

6. **Except as provided in subdivision (8) of subsection 2 of this section, no employer shall have access to or use any employee's records, contained in the central registry or maintained by the division pursuant to subsection 3 of this section, for the purpose of hiring, promoting, firing, reassigning, demoting or making any other personnel decisions regarding such employee.**

7. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

210.152. 1. All identifying information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division and removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, identifying information shall be retained by the division;

(2) For investigation reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for [five] **three** years from the date of the report or from the date of the closing of a case opened by the division in response to the report or from the date of the last report if there were subsequent reports, whichever is later. Such report shall include any exculpatory evidence known by the division, including exculpatory evidence obtained after the closing of the case. At the end of such [five-year] **three-year** period, the identifying information shall be removed from the records of the division and destroyed;

(3) **Any person, official or institution intentionally filing a false report shall be subject to the penalty provisions as provided by section 210.165. In addition, in the case of court adjudication as provided by section 210.165, any person or official employed by the division intentionally filing a false report of child abuse or neglect shall be subject to the following:**

(a) Suspension of employment not to exceed three months for a first offense;

(b) Termination of employment for a second offense.

(4) For reports where the division uses the family assessment and services approach, identifying information shall be retained by the division;

~~[(4)]~~ (5) For reports in which the division is unable to locate the child alleged to have been abused or neglected, identifying information shall be retained for ten years from the date of the report and then shall be removed from the records of the division.

2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator named in the report and the parents of the child named in the report, if the alleged perpetrator is not a parent, shall be notified in writing of any determination made by the division based on the investigation. The notice shall advise either:

(1) That the division has determined that there is probable cause to suspect abuse or neglect exists and that the division shall retain all identifying information regarding the abuse or neglect; that such information shall remain confidential and will not be released except to law enforcement agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's determination through a review by the child abuse and neglect review board as provided in subsection 3 of this section;

(2) There is insufficient probable cause of abuse or neglect. **The notice will also inform the person who is the subject of a report where there is insufficient evidence of abuse or neglect, of the right to file a written appeal with the director of the division of family services to order the records be removed from the division and destroyed. The notification must continue and state that if the person who is the subject of a report where there is insufficient evidence of abuse or neglect, is aggrieved by the decision of the director of the division of family services not to remove and destroy the records, such person may petition the circuit court to order the records removed from the division and destroyed.**

3. Any person named in an investigation as a perpetrator who is aggrieved by a determination of abuse or neglect by the division as provided in this section may seek an administrative review by the child abuse and neglect review board pursuant to the provisions of section 210.153. Such request for review shall be made within sixty days of notification of the division's decision under this section. In those cases where criminal charges arising out of facts of the investigation are pending, the request review shall be made within sixty days from the court's final disposition or dismissal of the charges.

4. In any such action for administrative review, the child abuse and neglect review board shall sustain the division's determination if such determination is supported by evidence of probable cause and is not against the weight of such evidence. The child abuse and neglect review board hearing shall be closed to all persons except the parties, their attorneys and those persons providing testimony on behalf of the parties.

5. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the county in which the alleged perpetrator resides and in circuits with split venue, in the venue in which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a resident of the state, proper venue shall be in Cole County. The case may be assigned to the family court division where such a division has been established. The request for a judicial review shall be made within sixty days of the notification of the decision of the child abuse and neglect review board decision. In reviewing such decisions, the circuit court shall provide the alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall have the discretion to allow the parties to submit the case upon a stipulated record.

6. In any such action for administrative review the child abuse and neglect review board shall notify the child or the parent, guardian or legal representative of the child that a review has been requested.

210.183. 1. At the time of the initial investigation of a report of child abuse or neglect, the division employee conducting the investigation shall provide the alleged perpetrator with a written description of the investigation process. Such written notice shall be given substantially in the following form:

The investigation is being undertaken by the Division of Family Services pursuant to the requirements of chapter 210 of the Revised Missouri Statutes in response to a report of child abuse or neglect.

The identity of the person who reported the incident of abuse or neglect is confidential and may not even be known to the Division since the report could have been made anonymously.

This investigation is required by law to be conducted in order to enable the Division of Family Services to identify incidents of abuse or neglect in order to provide protective or preventive social services to families who are in need of such services.

The division shall make every reasonable attempt to complete the investigation within thirty days. Within ninety days you will receive a letter from the Division which will inform you of one of the following:

(1) That the Division has found insufficient evidence of abuse or neglect; **that the subject of a report where there is insufficient evidence of abuse or neglect has the right to file a written appeal with the director of the division of family services to order the records be removed from the division and destroyed. The notification must continue and state that if the person who is the subject of a report where there is insufficient evidence of abuse or neglect, is aggrieved by the decision of the director of the division of family services not to remove and destroy the records, such person may petition the circuit court to order the records removed from the division and destroyed;** or

(2) That there appears to be probable cause to suspect the existence of child abuse or neglect in the judgment of the Division and that the Division will contact the family to offer social services.

If the Division finds there is probable cause to believe child abuse or neglect has occurred or the case is substantiated by court adjudication, a record of the report and information gathered during the investigation will remain on file with the Division.

If you disagree with the determination of the Division and feel that there is insufficient probable cause to believe abuse or neglect has occurred, you have a right to request an administrative review at which time you may hire an attorney to represent you. If you request an administrative review on the issue, you will be notified of the date and time of your administrative review hearing by the child abuse and neglect review board. If the division s decision is reversed by the child abuse and neglect review board, the Division records concerning the report and investigation will be updated to reflect such finding. If the child abuse and neglect review board upholds the division s decision, an appeal may be filed in circuit court within sixty days of the child abuse and neglect review board s decision.

2. If the division uses the family assessment approach, the division shall at the time of the initial contact provide the parent of the child with the following information:

- (1) The purpose of the contact with the family;
- (2) The name of the person responding and his office telephone number;
- (3) The assessment process to be followed during the division s intervention with the family including the possible services available and expectations of the family."

Senator Howard moved that the above amendment be adopted, which motion prevailed.

On motion of Senator Wiggins, **HB 992**, as amended, was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Caskey	Clay	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Kenney
Klarich	Mathewson	Maxwell	McKenna
Melton	Moseley	Mueller	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Treppler	Westfall

	Nays--Senators
Johnson	Kinder--2
	Absent--Senators
Bentley	Lybyer--2
	Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SS No. 5** for **SCS** for **HCS** for **HBs 800, 812, 817 and 821**, as amended: Representatives: Hosmer, Schilling, Smith, Murray (135), Wooten.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **SCS** for **HCS** for **HBs 1557 and 1489**, as amended, and has taken up and passed **CCS No. 2** for **SCS** for **HCS** for **HBs 1557 and 1489**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SB 836** and grants the Senate a conference thereon and the conferees be allowed to exceed the differences.

CONFERENCE COMMITTEE REPORTS

Senator McKenna, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HBs 1557 and 1489**, as amended, submitted the following conference committee report no. 2:

CONFERENCE COMMITTEE REPORT NO. 2
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1557 and 1489

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, as amended, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for House Bills Nos. 1557 and 1489;
- 2. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1557 and 1489, with Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 5, Senate Amendment No. 6, Senate Amendment No. 8, Senate Amendment No. 9, Senate Amendment No. 11 and Senate Amendment No. 12;
- 3. That the attached Conference Committee Substitute No. 2 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Bill McKenna /s/ Rita D. Days

/s/ Ed Quick /s/ May Scheve

/s/ Ronnie DePasco /s/ Paula J. Carter

/s/ Irene Treppler /s/ Beth Long

/s/ Franc Flotron /s/ David L. Levin

Senator McKenna moved that the above conference committee report no. 2 be adopted, which motion prevailed by the following vote:

Yeas--Senators			
Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Kinder--1

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

On motion of Senator McKenna, **CCS No. 2** for **SCS** for **HCS** for **HBs 1557** and **1489**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILLS NOS. 1557 and 1489

An Act to repeal sections 57.080, 88.251, 105.965, 115.123, 115.127, 115.157, 115.158, 115.283, 115.290, 115.291, 115.300, 115.329, 115.333, 115.373, 115.385, 115.399, 115.401, 115.409, 115.535, 115.611, 115.613, and 130.057, RSMo 1994, and sections 72.400, 72.401, 115.125, 115.279, 115.359, and 130.037, RSMo Supp. 1995, and section 1 as enacted by the second regular session of the eighty-eighth general assembly in house bill no. 956 on April 25, 1996, relating to elections, and to enact in lieu thereof thirty new sections relating to the same subject, with penalty provisions and an emergency clause.

Was read the 3rd time and passed by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Klarich	Lybyer	Mathewson
Maxwell	McKenna	Melton	Moseley
Mueller	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Treppler	Westfall	Wiggins--31	

Nays--Senator Kinder--1

Absent--Senator Clay--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Curls
DePasco	Ehlmann	Flotron	Goode
House	Howard	Johnson	Kenney
Klarich	Lybyer	Mathewson	Maxwell

McKenna	Melton	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		
	Nays--Senators		
Graves	Kinder--2		
	Absent--Senator Clay--1		
	Absent with leave--Senator Scott--1		

On motion of Senator McKenna, title to the bill was agreed to.

Senator McKenna moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Mathewson appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 836**: Senators Quick, McKenna, Johnson, Treppler and Klarich.

President Wilson resumed the Chair.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SB 888**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 888

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Substitute for House Committee Substitute for Senate Bill No. 888, as amended; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Bill No. 888, as amended;
2. That the Senate recede from its position on SB 888;
3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Bill No. 888 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Wayne Goode /s/ Ken Jacob

/s/ Mike Lybyer /s/ Dana L. Murray

/s/ J. L. Mathewson /s/ Jason Klumb

John T. Russell Rich Chrismer

Walt Mueller /s/ Delbert Scott

Senator Goode moved that the above conference committee report be adopted.

Senator Melton raised the point of order that the conference committee report is out of order in that the subject matter is not connected and not germane to any part of the subject matter contained in the bill under consideration and goes beyond the scope and purpose of the bill and clearly violates the provisions as set forth in Rules 54 and 57.

The point of order was referred to the President Pro Tem.

Senator Kenney raised a further point of order that the conference committee report exceeds the differences between the House and the Senate.

The point of order was referred to the President Pro Tem, who ruled it well taken, rendering the point of order raised by Senator Melton moot.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SA 1** to **HB 992** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

PRIVILEGED MOTIONS

Senator Wiggins requested unanimous consent of the Senate to recede from its position on **SA 1** and 3rd read and finally pass **HB 992** in one motion, which request was granted.

On motion of Senator Wiggins, the Senate receded from its position on **SA 1** and 3rd read and passed **HB 992** by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Johnson	Kenney	Lybyer	Mathewson
Maxwell	McKenna	Moseley	Mueller
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Treppler
Westfall	Wiggins--30		

Nays--Senators

Kinder Klarich--2

Absent--Senator Melton--1

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill was agreed to.

Senator Wiggins moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HB 1362** and has taken up and passed **CCS** for **SS** for **SCS** for **HB 1362**.

Emergency clause adopted.

CONFERENCE COMMITTEE REPORTS

Senator Flotron, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HB 1362**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT FOR

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1362

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on Senate Substitute for Senate Committee Substitute for House Bill No. 1362; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Bill No. 1362;
2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Bill No. 1362, as amended;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 1362 be adopted.

FOR THE SENATE: FOR THE HOUSE:

/s/ Jim Mathewson /s/ Brent Evans

/s/ Bill Kenney /s/ Gene Copeland

/s/ Bill McKenna /s/ Ed Hartzler

/s/ Sidney Johnson Phil Smith

/s/ Franc Flotron Scott Lakin

Senator Flotron requested unanimous consent of the Senate to adopt the conference committee report, 3rd read and finally pass the bill and adopt the emergency clause in one motion, which request was granted.

On motion of Senator Flotron, the conference committee report on **SS** for **SCS** for **HB 1362** was adopted, **CCS** for **SS** for **SCS** for **HB 1362**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE

FOR SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1362

An Act to repeal sections 43.540, 197.300, 197.305, 197.317, 344.030 and 660.317, RSMo 1994, section 197.312, RSMo Supp. 1995, and section 197.318, as truly agreed to and finally passed in house committee substitute for senate bill no. 575, second regular session of the 88th general assembly and signed by the governor on February 20, 1996, relating to the Missouri health certificate of need law, and to enact ten new sections relating to the same subject, with penalty provisions and an emergency clause.

Was read the 3rd time and passed and the emergency clause adopted by the following vote:

Yeas--Senators

Banks	Bentley	Caskey	Clay
Curls	Ehlmann	Flotron	Goode
Graves	House	Howard	Johnson
Kenney	Kinder	Klarich	Lybyer
Mathewson	Maxwell	McKenna	Melton
Moseley	Mueller	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Treppler	Westfall	Wiggins--32

Nays--Senator DePasco--1

Absent--Senators--None

Absent with leave--Senator Scott--1

The President declared the bill passed.

On motion of Senator Flotron, title to the bill was agreed to.

Senator Flotron moved that the vote by which the bill passed be reconsidered.

Senator Banks moved that motion lay on the table, which motion prevailed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 489**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SS**, as amended, to **HB 1081** and has again taken up and passed **SS** for **SCS** for **HB 1081**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 842**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill 842, Page 1, Section 544.159, Line 9, by deleting the words "making an arrest or"

Further amend said bill by deleting all of lines 11 thru 14.

Further amend said bill by renumbering the remaining subsections. Line 15 becomes subsection (1), and line 19 becomes subsection (2).

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SB 836**, as amended: Representatives: Leake, Copeland, Liese, Wannemacher, Elliott.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SS** for **SCS** for **HB 1113**, as amended, and has again taken up and passed **SS** for **SCS** for **HB 1113**, as amended.

RESOLUTIONS

Senator Rohrbach offered Senate Resolution No. 1458, regarding Jerry O. "Sebo" Siebeneck, Taos, which was adopted.

Senator Mathewson offered Senate Resolution No. 1459, regarding the death of Jarold W. Heard, Jefferson City, which was adopted.

Senator Lybyer offered Senate Resolution No. 1460, regarding Jean Evelyn Millman, Houston, which was adopted.

Senator House offered Senate Resolution No. 1461, regarding the One Hundredth Birthday of Benton Elementary School, St. Charles, which was adopted.

Senator Flotron offered Senate Resolution No. 1462, regarding the Missouri Baptist Children's Home, which was adopted.

Senator Flotron offered Senate Resolution No. 1463, regarding Dr. Kenneth Russell, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1464, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lawrence Barry, California, which was adopted.

Senator DePasco offered Senate Resolution No. 1465, regarding the Metropolitan Community Colleges of Kansas City, Missouri, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 17, 1996

TO THE SECRETARY OF THE SENATE

88th GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Substitute for Senate Committee Substitute for Senate Bill No. 507 entitled:

"AN ACT"

To repeal sections 170.250, 386.020, 392.180, 392.200, 392.220, 392.410, 392.450, and 392.530, RSMo 1994, relating to the regulation of telecommunications companies, and to enact in lieu thereof seventeen new sections, relating to the same subject, with an emergency clause.

On May 17, 1996, I approved said Senate Substitute for Senate Committee Substitute for Senate Bill No. 507.

Respectfully submitted,

MEL CARNAHAN

Governor

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Craig Holzem, M.D., Washington.

Senator Treppler introduced to the Senate, her family, Walter, John, Jane, Christopher, Stephanie and Wally Treppler, and John, Diane, David and James Anderson; and David, James, Christopher and Stephanie were made honorary pages.

On motion of Senator Banks, the Senate adjourned until 12:00 p.m., Thursday, May 23, 1996.